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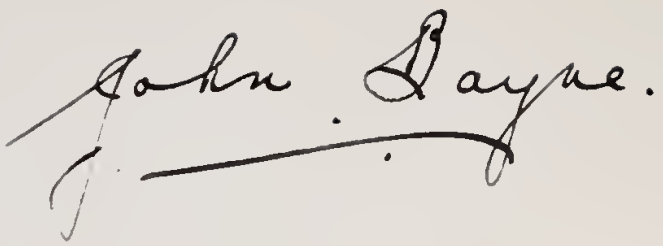
CICERO
PRO S. ROSCIO AMERINO



CICERO

PRO S. ROSCIO AMERINO

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London: W. B. CLIVE

University Tutorial Press Ld.

High St., New Oxford St., W.C.

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PRINTED IN GREAT BRITAIN BY UNIVERSITY TUTORIAL PRESS LD. AT THE
BURLINGTON PRESS, FOXTON, NEAR CAMBRIDGE.

INTRODUCTION.

§ 1. Marcus Tullius Cicero, the greatest of Roman orators, was born near Arpinum in 106 B.C. His family was of equestrian rank, but had never held any office in Rome. Cicero was accordingly a *novus homo*, and his struggle to obtain the praetorship and consulship was on that account made harder. He was sent while still a young lad to Rome, and there studied under the best masters, such as Archias. In B.C. 91 he assumed the *toga virilis*, and then attended the lectures of orators and lawyers. He was entrusted by his father to the special care of Mucius Scaevola, the Augur, from whose side he hardly ever departed. At that time one of the easiest methods of obtaining fame and success was by means of oratory, and as Cicero had a natural talent for this art, he cultivated it in preference to devoting himself to a military life. However, he served, as was usual with young Romans who aspired to public office, one campaign, and this happened to be in the Social War (89 B.C.) under Cn. Pompeius Strabo (the father of Pompeius the Great). For the next six years he took no part in public affairs, but devoted his time to the study of rhetoric and the various schools of philosophy; from Phaedrus he learned the Epicurean system, from Philo that of the New Academy, and from Diodŏtus that of the Stoics.

The first of his extant speeches is that *Pro P. Quinctio*, which was delivered in 81 B.C. Next year, in a criminal trial, he defended Sextus Roscius Amerinus, whose accuser was Chrysogŏnus, the powerful freedman of Sulla. It was bold in Cicero to undertake this defence and thereby

to risk the anger of Sulla, but his boldness was equalled by his eloquence, and his success on this occasion placed him at once amongst the best orators of the day. Ill-health obliged him to retire to Rhodes and Athens, where he continued his study of rhetoric and philosophy for two years, returned to Rome in 77 B.C., and was elected quaestor for the year 75 B.C. He served this office at Lilybaeum in Sicily, and acquired golden opinions from the natives through his integrity, impartiality, and self-denial. In 74 B.C. he returned to Rome, and again devoted himself to his profession as an advocate. In 70 B.C. he undertook the impeachment of Verres, who was charged by the Sicilians with having been guilty of misgovernment, oppression, and extortion when pro-praetor in Sicily, 73-71 B.C. Hortensius, the consul-elect for the following year, was Verres' advocate, and on behalf of his client was anxious that the trial should be delayed until the next year, when the presiding Praetor would be more favourably disposed to the defendant. Cicero frustrated this attempt by getting his evidence ready in half the time allowed, and by opening his case very briefly and proceeding at once to the examination of his witnesses. The result of Cicero's onslaught was that Verres departed at once into exile without even attempting a defence.

In politics Cicero was a fairly consistent member of the Senatorial party, or party of the Nobles (*Optimātes*); the opposition was the Democratic party, or party of the People, and there were numbers of disappointed men of all ranks of society ready for revolution in any form if they could find a leader. Cicero was Curule Aedile 69 B.C., Praetor 66 B.C. —in this year he advocated the *Lex Manilia*, giving to Pompeius the conduct of the war against Mithradātes—and Consul 63 B.C. The revolutionary movement had by this time taken the form of a widespread conspiracy; its members were of every class, even senators and consulars; it had branches in many Italian towns; its object was to overthrow the government of the Senate by violence and substitute a Democratic government; and from the name of its leader, it was known as the Catilinarian conspiracy. Its first step was to be the assassination of Cicero; but the

latter by means of spies kept himself informed of all its movements, and at the close of 63 B.C. suddenly arrested the leading conspirators. A few days later he had them executed (although as Roman citizens they were exempt from such punishment), and the remainder, attempting to carry out their plans by force of arms, were defeated at Pistoria, in Northern Etruria, where Catilina fell. The surviving conspirators fled to the provinces, and in particular to Greece. For his services on this occasion Cicero received extraordinary marks of honour, including the title of *Pater Patriae*.

In 60 B.C. the Democratic Party found leaders in Caesar, Pompeius (recently returned triumphant from the war in Asia), and Crassus; these formed the coalition known as the First Triumvirate. They determined to get rid of Cicero, who was too good an Optimate to please them; and they employed for the purpose P. Clodius, an unprincipled Democrat, and a Tribune of the year 58 B.C. Clodius drew attention to the illegality of the execution of the Catilinarians, overawed both Senate and Consuls by the violence of his attitude and the presence of his armed partisans, and ultimately compelled Cicero to go into banishment. In the next year Pompeius quarrelled with Clodius, and to spite him procured the recall of Cicero (57 B.C.), who, his political activity being crippled by the Triumvirate, devoted his eloquence to the defence of his friends. In 56 B.C. he delivered his speech *Pro Sestio*, in 54 B.C. the *Pro Plancio*, and in 52 B.C. the *Pro Milone*. In 55 B.C. he was admitted to the College of Augurs; and in 51 B.C. he acted as Governor of the province of Cilicia, where he conducted with success some small military operations.

About this time Pompeius came over from the side of Caesar to that of the Senate; and accordingly, when Caesar marched upon Rome 49 B.C., Cicero, after some hesitation, joined Pompeius; but subsequently, after the battle of Pharsalia in 48 B.C., he was reconciled to Caesar. After the death of Caesar, 44 B.C., an open rupture ensued between him and Antonius, and Cicero gave vent to his anger and indignation in the famous *Philippic Orations*, fourteen speeches, the finest and most renowned of which is

the second. From the beginning of 43 B.C. until the end of April, Cicero was in the height of his glory, but before the end of that year, in the proscription that followed upon the formation of the Second Triumvirate, Cicero's name was, on the suggestion of Antonius, put in the list of those doomed to summary destruction. Soldiers were immediately sent in pursuit, and although his attendants wished to offer resistance, Cicero forbade them, and surrendered to his pursuers, by whom he was killed.

In the foregoing sketch no mention has been made of Cicero's philosophical works, which were both numerous and important. His activity in this direction begins from his exile in 57 B.C.; in 55 B.C. he produced the *De Oratore*, in 54-51 B.C. the *De Re Publica*, and in 52 B.C. the *De Legibus*. This period of activity was followed by five years (51 to 46 B.C.) of comparative rest, but in 46 B.C. he wrote the *Hortensius* or *De Philosophia*, a treatise now lost, in addition to the *Partitiones Oratoriae*, the *Brutus* or *De Claris Oratoribus*, and the *Orator*. During the years 45 and 44 B.C. he wrote the *De Consolatione*, on the occasion of the death of his daughter Tullia; the *Academica*, an account of the new Academic Philosophy, which maintained that there was no such thing as certainty—we must be content with probability; the *Disputationes Tusculanae*, treating of happiness and morality; the *De Natura Deorum*, the *De Divinatione* (on the subject whether gods communicate with men by means of augury, etc.), the *Cato Maior* or *De Senectute*, the *De Amicitia*, the *De Fato* (an account of Fate and Freewill), the *Paradoxa* (an account of certain paradoxical opinions of the Stoics), the *De Officiis*, a treatise on duty, and the *De Finibus*, on the Highest Good.

So far we have dealt with Cicero's speeches and philosophical works. In addition to these must be mentioned (1) his *Letters*, of which he wrote a vast number, and of which more than 800 are preserved; (2) his *Poetical Works*, which were very poor in quality though not small in quantity—his chief poem was written on the subject of his consulship; and (3) his *Historical and Miscellaneous Works*, *e.g.* a prose account of his consulship, an account of his policy immediately previous to his consulship, etc.

§ 2. **The Political Situation at the time of the Speech.** Cicero's speech in defence of Sextus Roscius was the first oration delivered by him in a state or criminal trial (*causa publica*). Roscius was charged with parricide, and was tried before the murder court in 80 B.C., during the dictatorship of Sulla, when Cicero was 26 years of age. The proscription lists had been closed and most of Sulla's legislative work had been done, since in the following year he resigned the dictatorship. But the terror of the Sullan massacres still held its grip upon Rome.

By his victory at the Colline Gate (October 27th, 82 B.C.) Sulla terminated for a time the long conflict between the Conservatives and the Democrats. Sulla and the aristocrats were now masters of Italy, and their champion set himself to the task of breaking down the influence of the middle-class party and re-establishing the old aristocratic constitution. The means he employed were organised assassination followed by partisan legislation. He began by ordering, the day after his victory, the massacre of 6,000 prisoners. He then had lists of his enemies written on whitened tablets and posted up in the Forum. The men whose names were on the lists were said to be proscribed (*proscripti*), and the word "proscription," which had hitherto meant "a public notice of sale" or at most a "confiscation" of property, was from this time used in the more terrible signification of "outlawry."

By a *Lex Cornelia de proscriptione* (which was merely a *lex data* or magisterial ordinance, and was not brought before the people) Sulla made certain regulations concerning the proscribed. They were declared to be enemies of the State; even near relatives were forbidden to shelter them under pain of death; their children and grandchildren were excluded from office and from a place in the Senate; their property was confiscated to the State; finally, a reward of 12,000 *denarii* was offered to anyone who killed an "outlaw." The work of murder was diligently pursued, not only by assassins (*sicarii*) and by the dregs of the populace, whose only thought was for the reward, but also by men of good position who desired private revenge or coveted the goods of a neighbour. The

victims of this judicial slaughter numbered nearly 5,000.

At the end of 82 B.C. Sulla, having thus overcome all resistance, began his work of legislation with the view of restoring the rule of the aristocracy. Through the *interrex* L. Valerius Flaccus, appointed at his suggestion by the Senate, he procured his own nomination as "dictator for the making of laws and the regulating of the State," and the appointment was ratified by a law (the *Lex Valeria*) of the *comitia*. One clause of this law sanctioned all his previous measures; thus legal validity was given to the *Lex Cornelia* dealing with the proscriptions, which had not come before the people.

The legislation of Sulla as dictator (81-79 B.C.) may be studied in any text-book of Roman history. The merely partisan measures, which had for their object the restoration of senatorial rule, were foredoomed to failure, since it was not in oligarchy but in monarchy that the empire could find its ultimate salvation. The aristocracy had done its work, and all attempts to bolster up its failing powers were vain. But some of Sulla's reforms were useful and therefore permanent; and it is with that portion of these permanent reforms which dealt with criminal law and procedure that we are concerned as the setting of this trial. (See § 7.)

Sulla, on becoming Dictator, fixed June 1st, 81 B.C., as the date on which the proscriptions and confiscations should cease; but notwithstanding the solemn declaration that "killing will cease after the Kalends of June," massacres still went on for the sake of revenge or more often of gain. Sulla, who was devoted to pleasure, kept about his person a number of freedmen, one of the most powerful of whom was the Chrysogonus who figures in this case (§ 3). These men had gained enormous wealth through the proscriptions; but being voluptuous and extravagant, they were not satisfied with their gains, and hired assassins to waylay and murder rich men, whose names they fraudulently inserted in the proscription lists, and whose confiscated property they bought for a mere song. The present trial provides an example of this lawless cupidity.

§ 3. **Circumstances of the Case.** Sextus Roscius, the father of the accused, was a wealthy and distinguished citizen of Ameria (modern *Amelia*), a town in Umbria near the junction of the Tiber and the Nar, about fifty miles to the north of Rome. In the civil wars he had been on the side of the nobility, for he was bound by ties of mutual hospitality and personal friendship to such famous families as the Metelli and the Servilii. He entrusted the management of his thirteen farms to his only surviving son, the defendant Sextus, who was at the time of the trial a man of forty, while he himself lived principally at Rome among his aristocratic guest-friends.

The relations between father and son do not seem to have been exactly unfriendly, since the younger Roscius not only managed the property, but was allowed the usufruct of some of the farms during his father's life-time. Thus his position was an honourable one; but "home-keeping youth have ever homely wits," and there could be little in common between the country-bred son, who shunned society and the life of Rome, and was probably of boorish manners, and the fashionable father, to whom the amenities of society and the refinements of town life were indispensable.

Titus Roscius Capito and Titus Roscius Magnus were kinsmen and fellow-citizens of the elder Roscius; they were also his enemies, the cause of the feud being some ancient quarrel about property. Capito was a senator or *decurio* of Ameria, and carried out the Sullan proscriptions in that neighbourhood; Magnus seems to have been an adventurer, who lived at Rome and was ready to undertake anything which would put money in his purse. Both Capito and Magnus had attached themselves as clients to Sulla's favourite, the freedman Chrysogonus. In the late summer of 81 B.C., two or three months after the official closing (on June 1st) of the proscription and confiscation lists, Sextus Roscius the elder was attacked and murdered near the Pallacine baths, on his return one evening from an entertainment. We are completely in the dark as to whether the deed was committed by one or more persons, whether by assassins or as the result of a

conflict. The younger Sextus seems to have neglected to examine the two slaves who accompanied his father immediately on their return from Rome, and may thus at first have caused vague suspicion to attach to himself.

The first news of the murder was carried to Ameria, not by one of these two slaves, but by one Mallius Glaucia, a client of T. Roscius Magnus. This man announced the tidings not, as one would naturally expect, to the son, but to Roscius Capito; he arrived at Ameria at early dawn on the morning after the murder, and thus seems to have travelled all night for the express purpose of bringing the news as quickly as possible. Within four days Chrysogonus, who was in Sulla's camp at Volaterrae in Etruria, got word of the matter, evidently through the same source. He was personally a stranger to the murdered man; all he was interested in knowing was that a considerable estate had been left.

Chrysogonus, ever on the look-out for fresh spoil, had the name of the elder Roscius inserted on the proscription lists (although these had been closed for some months), and at a sham sale purchased the confiscated property at a nominal price. A few days after, Magnus appeared in Ameria, drove Sextus Roscius from house and home, and took possession, as the agent of Chrysogonus, of ten of the farms, the other three being handed over to Capito. The movable property was secretly disposed of or sold by private auction.

These high-handed proceedings caused the utmost indignation at Ameria. The local senate at once sent an embassy, consisting of the ten leading senators (among them Roscius Capito) to the camp of Sulla, with the purpose of proving the loyalty of the elder Roscius, of getting his name expunged from the proscription lists, and of reinstating his son in his ancestral estate. But Chrysogonus, being informed of the embassy by Capito, managed matters so that the envoys never got an interview with the Dictator. He made them specious promises, and since Capito pledged his word that these promises would be faithfully kept, the ambassadors allowed themselves to be persuaded, and returned home without effecting anything.

The property thus remained in the hands of Chrysogonus and his allies; but they could not feel themselves secure in the possession of it till Roscius had been removed from their path, since at any time the swing of the political pendulum might enable the sons of the proscribed to recover their estates. Hence plots were formed against the life of Roscius, and by the advice of his friends he left Ameria, where he had resided during these events, and found shelter at Rome in the house of Caecilia, a noble lady belonging to the family of the Metelli, who had been on friendly terms with his father.

Sextus Roscius was now no longer an unknown, friendless countryman who could be persecuted with impunity. The Metelli were staunch adherents of Sulla; Q. Caecilius Metellus was the colleague of Sulla in the consulship in the year of Roscius' trial; Sulla had also married a Metella. Roscius' influential friends might well be expected to draw Sulla's attention to the real state of affairs, and Chrysogonus would then be forced to give up his ill-gotten gains. Thus the position of the three conspirators had become very insecure. The Roscii now pointed out to Chrysogonus a way of escape from their embarrassing position. They suggested that Roscius himself should be charged with his father's murder. In this way the very crime by means of which the father had been got out of the way could be used for the purpose of ridding themselves of the son.

§ 4. **Character of the Accusation. Conduct of the Case.** *The Accusation.* This inspired suggestion of the Roscii was eagerly adopted by Chrysogonus. He relied on the following considerations. The relations between father and son had been distant, if not actually strained; and the difference could be easily exaggerated so as to make it appear that the two were on bad terms with each other. The murderers of Roscius still remained undetected; the two slaves who had accompanied him on the night of the crime, and who alone could throw light on the matter, were now the property of Chrysogonus, and their new master's permission was necessary before they could be put under examination. It was moreover a long time since a trial

for assassination had taken place; and the judges, in their desire to satisfy public opinion, might be expected to show more severity than usual.

But it was on his own influence with Sulla that Chrysogonus placed most confidence. So great was the dread of offending the Dictator that either the accused would not be able to find an advocate or, in case one came forward, he would never dare to call in question the legality of the proscription of the elder Roscius; for in attacking Chrysogonus on this point he would at the same time be making an attack on Sulla.

The professional accuser Erucius, a man of some culture and reputation as a lawyer, but of doubtful character, was engaged for the prosecution.

The party of the nobility, devoted as they were to Sulla's cause, must have felt aggrieved and insulted by the power and arrogance of the low-born favourite Chrysogonus, and must have been inclined to support any proceeding which might have the effect of undermining his influence. Although none of the more prominent advocates ventured to come forward in person, it was owing to the instigation of the noble friends of the elder Roscius that the young Cicero, who had already been pitted in a civil case against Hortensius, the greatest orator of the day, was induced to undertake the defence.

Since the crime of parricide was included in Sulla's *Lex Cornelia de sicariis et veneficis*, Roscius was accused before the *quaestio inter sicarios*, which was one of the standing commissions established by that law. (See § 7.) The President of the court was the praetor M. Fannius.

The only known witnesses of the murder were the two slaves who had been with the murdered man and who now belonged to Chrysogonus. Since it was the business of the prosecutor to procure the evidence necessary to establish his case, Erucius, if he really considered it of importance to get at the actual circumstances, would have made an application that the slaves should be produced for examination under torture. This he did not do; and he betrayed the frivolous character of the charge by producing as witnesses only those who could assign possible motives for the

murder, not those who could give evidence as to the actual facts of the case. And even the evidence as to motives resolved itself into an exaggerated account of the perhaps not very cordial relations between father and son. In the full assurance that no advocate would dare to refer to them, Erucius made no mention at all of the proscription of the elder Roscius, or the sale of his property, or the compact that had been formed.

The Defence. But Cicero was far from justifying this contemptuous attitude towards the defence. In the first place, he staggered his careless opponents by bringing in the name of the great Chrysogonus; in the second place, not content with exposing the feeble arguments of the prosecution, he made a bold attack upon the conspirators.

Pressing home each point remorselessly, he showed that, if the life and character of his opponents were taken into account, as well as the events which followed the murder, it would be found that it was on the Roscii themselves, not on his client, that suspicion might justly attach itself. He exposed the nefarious compact that had been made, and showed that the real motive of the groundless charge was the dread felt by Chrysogonus that he would be compelled to disgorge his plunder. He bewailed the lamentable condition of the State, in which it was possible for a freedman to gain such unholy influence. He bade the judges bear in mind the importance of their verdict, as it affected not only the families of the proscribed, but the whole body of citizens, since anyone might at any time find himself in a similar position.

Throughout the speech Cicero is careful to avoid a direct attack on Sulla. He speaks of him with the utmost respect and honour, and even at times uses the language of flattery. He emphatically assumes that the conspiracy had been formed and the sale of the goods effected without the knowledge or consent of Sulla, since the great Dictator was absorbed in so many affairs of the greatest moment. But when we remember that Chrysogonus was the privileged favourite of Sulla, we may well ask how Cicero could attack the former without giving offence to the latter. The answer to this question is to be found in two considerations.

In the first place, Cicero had the Metelli at his back, and in Sulla's better moments the influence of his dead wife's relatives would surely prove more powerful than that of the pampered freedman. In the second place, it may well be that Sulla himself would not be very sorry if the power of his favourite, which had grown to such excessive proportions, should meet with a check, especially as the condoning of such an outrage as that to which Chrysogonus had been a party would tend to shake the position of the nobility, and imperil the stability of his new constitution.

§ 5. **Analysis and Result of the Speech.** After an exordium (Ch. I.-V.) Cicero narrates the circumstances of the case (Ch. VI.-XII.), showing that in the events which preceded and followed the murder there was much that told in favour of the accused and against the accusers. He then begins his *argumentatio*, or "adducing of proofs," with which the remainder of the speech, with the exception of a brief appeal to the jury (Ch. LIII.), is taken up. The *argumentatio* falls into three main divisions. In the first part (Ch. XIII.-XXIX.) the orator convincingly refutes the feeble arguments by which Erucius had endeavoured to establish the charge of parricide. In the second part (Ch. XXX.-XLII.) Cicero passes from defence to attack and seeks to bring the crime home to the Roscii themselves, supporting his view by arguments drawn partly from the life and character of the two associates, partly from the proceedings which followed the murder. In the third part (Ch. XLIII.-LII.) he makes a direct attack upon Chrysogonus, and shows how criminally he had abused his position by his purchase of Roscius' estate, and by his heartless behaviour towards the accused. We learn from Plutarch that Roscius was acquitted. With this result the friends of the persecuted man were well content, and it is not probable that the verdict was followed by restitution of the property, or by any further charge against the two Roscii.

§ 6. **Style and Character of the Speech.** Cicero's successful defence of Roscius won for him, as he himself

tells us in his *Brutus*, "so great a reputation, that there was no case which was considered beyond my powers as a pleader." In his later years he looked back with a kind of mingled triumph and affection to this product of his generous and vigorous youth. "Amid what shouts of applause," he says in his *Orator* (a work composed thirty-four years after the *Pro Roscio*), "did I, while quite a youth, deliver those words on the punishment of parricides; long afterwards I still felt that the fire of those words was by no means cool." He then quotes the highly wrought passage in Ch. XXVI., lines 11-17, with this criticism: "All those expressions bear the stamp of youth,—youth that is commended for hopeful promise rather than for ripe performance." He adds: "even that youthful exuberance is tempered with much that is subdued, and with some passages that are even somewhat genial."

This criticism of his own early defects is a just one. The style of the speech is in many places florid and redundant, and the periods are not marked by that rounded fulness, or the transitions by that ease and naturalness which are characteristic of his riper work. There is also at times a striving after rhetorical effect which results in many peculiarities of expression not found in later speeches.

But these and other blemishes sink into insignificance when we consider the speech as a whole. Not only does it abound with really splendid passages, but the general impression made upon the reader is one of dignified independence and high moral tone. The youthful orator was thoroughly convinced that his cause was a righteous one, and this conviction lends a liveliness and elevation to the entire speech. The manly courage with which he confronted the powers of evil arrayed against him commands our admiration; it is only equalled by the moderation of the speaker, and the marvellous skill with which he avoided giving offence to the all-powerful Dictator.

§ 7. **Criminal Jurisdiction at Rome.** The *Iudicia Populi.* In the earliest period of Roman history both civil and

criminal procedure were in the hands of the pontiffs, and rested on a purely religious basis. When the Republic had become firmly established the power of the pontiffs passed away, and while civil cases were tried by a magistrate together with a *iudex*, or by an arbitrator, according to the forms of the *legis actiones*, political and ordinary criminal cases were brought before the people in their courts (*iudicia populi*).

The magistrates, either directly or as a result of appeal from their sentences (*provocatio*), appeared as accusers in these courts, and after due investigation proposed a penalty in the form of a bill (*rogatio*) before the people in the *comitia* (the *comitia tributa* when the maximum penalty was a fine, the *comitia centuriata* when the charge was a capital one), and this penalty was either accepted or rejected by the people. The accusing magistrates were the consuls (who exercised their jurisdiction through the quaestors), the aediles, or the tribunes; the latter, when the penalty was a fine, brought the case before the *concilium plebis*.

Special Commissions. This popular jurisdiction was in course of time found to be too cumbrous and formal; it was, moreover, often used as an instrument to facilitate party manœuvres. Hence when special emergencies arose, the popular jurisdiction was delegated to *special* commissions, which were established either by the Senate and people, or by the Senate alone. From these special commissions (which were entrusted either to consuls or praetors) there was no appeal to the people.

Permanent Commissions. In 149 B.C. the first permanent commission (*iudicium publicum* or *quaestio perpetua*) was established, by the *Lex Calpurnia*, for the trial of cases of extortion (*de repetundis*). After this date permanent commissions gradually came to take the place of the *iudicia populi*, though there were survivals of the latter even in Cicero's day. A special law, which named the offences liable to punishment and determined the penalty in each case, regulated the procedure of each *quaestio*. Most of the laws establishing standing courts before the time of Sulla were *leges de pecuniis repetundis*, or laws constituting courts

for the trial of provincial governors for extortionate conduct.

Sulla's criminal legislation. The great task of organising a system of criminal jurisprudence was not undertaken till the time of Sulla. His method was to group together crimes which resembled one another, and to appoint separate *quaestiones*, each established by a corresponding *Lex Cornelia*, for the trial of each group. Seven *Leges Corneliae* establishing *quaestiones* were passed by Sulla,—*lex repetundarum* or *de repetundis* (which took the place of the earlier laws dealing with extortion), *lex de maiestate, lex de peculatu, lex de ambitu, lex de sicariis et veneficis, lex de falsis* (*testamentaria et nummaria*), *lex iniuriarum*. The various chapters of the *lex de sicariis et veneficis* treat of (1) assassination (*sicarii* = "robbers" or "assassins"), (2) poisoning, (3) arson (*incendium*), (4) judicial murder by means of unjust condemnation or false evidence, (5) parricide.

The Presidents of the Standing Courts under Sulla. Sulla had increased the number of the praetors from six to eight; of these, two were to have charge of the civil courts, while the other six were to preside over the *quaestiones perpetuae*. Thus the praetors were the ordinary or normal presidents of the standing criminal courts, and the latter were distributed among the various praetors by lot. But from the time of Sulla there were more *quaestiones* than there were praetors available for criminal jurisdiction; moreover, in some cases the *quaestio* had to be divided into several branches, each branch being under a separate president. Hence additional presidents had to be appointed. These were called *quaesitores* (a name also given to the praetors as criminal judges).

It seems to have been only in the case of the court established by the *lex de sicariis et veneficis* that these presidents were regularly appointed functionaries, bearing the official title of *iudex quaestionis*. At any rate it is only in murder trials that we find mention of a *iudex quaestionis*, who is formally appointed (probably by the people), and who is obliged to swear that he will administer justice according to the law by which he is appointed. In the case of the other courts, the additional presidents were probably

selected by lot from the jury by the praetor, as occasion for their services arose.

The Jurors in the Standing Commissions. The jurors (*iudices*) of the *quaestiones perpetuae* were originally senators; from 123 B.C. (the date of the *Lex Sempronia iudiciaria* of C. Gracchus) they were chosen from the equestrian order. In 81 B.C. the *Lex Cornelia* of Sulla restored the criminal courts to the Senate. Sulla also increased the number of senators to about six hundred. For various reasons, however, about one-third of the senators would be unable to undertake judicial functions; hence at the beginning of each year a list (*album iudicum*) of the senators who could serve in the courts was drawn up by the urban praetor, who was bound by oath to select only the worthiest of the senators. The *iudices* thus selected were then divided into sections called *decuriae*; the number of these is unknown, but under Sulla there were but few.

Particular *decuriae* were not assigned to particular courts, but whenever a case came on for trial a *decuria*, determined according to its place on the list, was assigned to this case. The praetor chose by lot from this *decuria* as many *iudices* as would suffice for the trial after some had been rejected by each of the contending parties, who always exercised the right of challenging (*reiectio*). When the *decuria* thus assigned had already been depleted, and therefore could not supply enough jurors, it was filled up (by the process called *subsortitio*) from the *decuria* next on the list.

The Course of a Trial before a Standing Commission. The right of accusation in a *quaestio perpetua* belonged to any citizen,—there were no public prosecutors. The accuser first asked the president of the court (*i.e.* the *praetor*, *quaesitor*, or *iudex quaestionis*) for permission to bring the charge. If this were granted, he definitely denounced the accused (*nominis delatio*). The president, if he decided to go on with the case, then drew up a statement of the charge (*inscriptio*) and formally admitted the accusation (*nomen rei accepit*, *nominis receptio*). The accuser then undertook not to proceed with the prosecution if he knew the

grounds were false ones (*calumnia*),[1] not to enter into an agreement with the accused in order to bring about an acquittal (*praevaricatio*), and not to back out of the accusation on private grounds (*tergiversatio*). The president then fixed the tenth day from the *nominis receptio* as the day for the trial. During this interval the accused was generally allowed to remain at large, and, in case his guilt was manifest, was even encouraged to seek voluntary exile. If he adopted the latter course, the case was of course at an end.

On the day of the trial the jurymen were empanelled in the way already described, and were put upon their oath. The *prosecutor* was generally supported by assistants (*subscriptores*), and the accused was always represented by at least one pleader (*patronus*), and also by *advocati* or advisers. The proceedings began with the speech of the prosecutor, and this was followed by that of the counsel for the defence. The evidence of witnesses on either side was then taken, and this was followed by the *altercatio*, or reply of the prosecutor and counter-reply of the defendant's counsel, both in the form of short questions and answers, which tested the patience and skill of the orators. Sometimes the trial was not finished on the first day, and it was then adjourned to the next day but one (*comperendinatio*).

After the *altercatio* the jurymen voted, usually by ballot, the three possible verdicts being A = *absolvo*, C = *condemno*, or NL = *non liquet* ("not proven"). The verdict was decided by the majority of votes, and the accused was not condemned unless there was an absolute majority (exclusive of the NL votes) against him. Thus if there were fifty jurymen, at least twenty-six C votes would have to be given to secure condemnation; if there were only twenty-five C votes, the accused would be acquitted, even if the other twenty-five votes were all NL. A verdict of NL also required an absolute majority of votes, so that the accused was always acquitted unless more than half of the jurymen voted either C or NL. A verdict of *non liquet* resulted in a second hearing (*ampliatio*) of the case.

[1] See *Pro Roscio*, note on Ch. XIX., line 29.

The evidence of slaves was as a rule not admitted as valid unless elicited under torture, and a slave could not, except in certain special cases, give evidence against his own master. We gather from the *Pro Roscio* that the slaves of a person other than the defendant could not give evidence unless the permission of their owner was sought and obtained. When the master of a household was murdered (as in the case of Roscius) the son who succeeded him as *paterfamilias* was permitted, as the avenger of his father's death, to have the whole household of slaves put to the torture. In the case of freemen the law forbade the eliciting of evidence by torture; the prosecutor could by a formal demand (*testimonii denuntiatio*) compel them to give evidence, but the witnesses for the defence were not required to give evidence unless they chose to do so.

Penalties inflicted by Standing Commissions. The penalties inflicted by the *quaestiones perpetuae* as organised by Sulla were in some instances pecuniary. In case of the graver crimes the usual punishment was either outlawry (*aquae et ignis interdictio*) or disqualification for public duties (*infamia*). The consequence of a bill of outlawry was that the condemned man went into voluntary exile, for exile (*exsilium*) was in itself never a penalty, but always a means of escaping from a penalty. It was only in case of the crime with which the *Pro Roscio* deals, viz. *parricidium*, that the death penalty could be passed.

§ 8. **The Crime of Parricidium.** In the days of the Monarchy and the early Republic the word *parricidium* was applied to the murder of any free citizen; it was even extended so as to include all other crimes of similar nature which were investigated by the *quaestores parricidii*, who were criminal assistants, first of the king, and afterwards of the consuls. In the time of Cicero the word was no longer employed in this wide sense: it meant primarily the murder of a father, but was made to include the murder of anyone to whom the murderer is bound by the ties of blood or dutiful affection (*pietas*),—thus we even find the expression *patriae* or *reipublicae parricidium*. The penalty for parricide—one dating from prehistoric times—was that

the parricide should be sewn up naked in a sack (*culleus*) and cast into a running stream, to be borne down to the sea. The *poena cullei* is vividly described by Cicero in the present speech (Ch. XXVI.).

There is no doubt that when Sulla embodied the crime of *parricidium* in his *Lex Cornelia de sicariis et veneficis*, which established the *quaestio inter sicarios*, before which Roscius was tried, he retained the old death penalty of the "sack," but it is probable that it could only be inflicted in cases where the crime was specially heinous and where the accused also made a confession of his guilt. Other cases were punished by outlawry (*aquae et ignis interdictio*) followed as a necessary consequence by voluntary exile; and this is the penalty that would have been inflicted on Roscius had he been found guilty, since he had of course not confessed the crime.

Since the arrest and imprisonment of an accused person, with the object of preventing his escape, were practically confined to cases in which the guilt was apparent or the crime confessed, Roscius could have gone into voluntary exile before or during his trial. His enemies no doubt thought that he would do this,—in fact their main object was to get him out of the way; but he remained in Rome because his honour was at stake: and even if he should be condemned, the ultimate result, the penalty, would be the same, since he would go into exile as a consequence of the penalty of interdiction or outlawry.

Text.—The text adopted in this edition of the *Pro Roscio* is that of Richter and Fleckeisen, fourth edition, revised by G. Ammon (1906).

M. TULLII CICERONIS

PRO SEX. ROSCIO AMERINO

ORATIO AD IUDICES.

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1 CREDO ego vos, iudices, mirari, quid sit quod, cum tot summi oratores hominesque nobilissimi sedeant, ego potissimum surrexerim, qui neque aetate neque ingenio neque auctoritate sim cum his, qui sedeant, comparandus. 5 Omnes hi, quos videtis adesse, in hac causa iniuriam novo scelere conflatam putant oportere defendi, defendere ipsi propter iniquitatem temporum non audent. Ita fit, ut adsint propterea, quod officium sequuntur, taceant autem idcirco, quia periculum vitant. 2. Quid ergo? Audacissimus 10 ego ex omnibus? Minime. An tanto officiosior quam ceteri? Ne istius quidem laudis ita sum cupidus, ut aliis eam praereptam velim. Quae me igitur res praeter ceteros impulit, ut causam Sex. Roscii reciperem? Quia, si quis horum dixisset, in quibus summa auctoritas est atque 15 amplitudo, si verbum de re publica fecisset, id quod in hac causa fieri necesse est, multo plura dixisse quam dixisset putaretur; 3. ego si omnia, quae dicenda sunt, libere dixero, nequaquam tamen similiter oratio mea exire atque in vulgus emanare poterit: deinde quod ceterorum neque 20 dictum obscurum potest esse propter nobilitatem et amplitudinem neque temere dicto concedi propter aetatem et prudentiam; ego si quid liberius dixero, vel occultum esse, propterea quod nondum ad rem publicam accessi, vel ignosci

adulescentiae poterit: tametsi non modo ignoscendi ratio, verum etiam cognoscendi consuetudo iam de civitate sublata est. 4. Accedit illa quoque causa, quod a ceteris forsitan ita petitum sit, ut dicerent, ut utrumvis salvo officio facere se posse arbitrarentur; a me autem ii contenderunt, qui apud me et amicitia et beneficiis et dignitate plurimum possunt, quorum ego nec benevolentiam erga me ignorare nec auctoritatem aspernari nec voluntatem neglegere debebam.

5. His de causis ego huic causae patronus exstiti, non electus unus, qui maximo ingenio, sed relictus ex omnibus, qui minimo periculo possem dicere, neque uti satis firmo praesidio defensus Sex. Roscius, verum uti ne omnino desertus esset.

Forsitan quaeratis, qui iste terror sit et quae tanta formido, quae tot ac tales viros impediat, quominus pro capite et fortunis alterius, quem ad modum consueverunt, causam velint dicere. Quod adhuc vos ignorare non mirum est, propterea quod consulto ab accusatoribus eius rei, quae conflavit hoc iudicium, mentio facta non est. 6. Quae res ea est? Bona patris huiusce Sex. Roscii, quae sunt sexagiens de viro clarissimo et fortissimo, L. Sulla, quem honoris causa nomino, duobus milibus nummum sese dicit emisse adulescens vel potentissimus hoc tempore nostrae civitatis, L. Cornelius Chrysogonus. Is a vobis, iudices, hoc postulat, ut, quoniam in alienam pecuniam tam plenam atque praeclaram nullo iure invaserit, quoniamque ei pecuniae vita Sex. Roscii obstare atque officere videatur, deleatis ex animo suo suspicionem omnem metumque tollatis; sese hoc incolumi non arbitratur huius innocentis patrimonium tam amplum et copiosum posse obtinere, damnato et eiecto sperat se posse, quod adeptus est per scelus, id per luxuriam effundere atque consumere. Hunc sibi ex animo scrupulum, qui se dies noctesque stimulat ac pungit, ut evellatis, postulat, ut ad hanc suam praedam tam nefariam adiutores

vos profiteamini. 7. Si vobis aequa et honesta postulatio videtur, iudices, ego contra brevem postulationem adfero et, quo modo mihi persuadeo, aliquanto aequiorem.

Primum a Chrysogono peto, ut pecunia fortunisque nostris contentus sit, sanguinem et vitam ne petat; deinde a vobis, iudices, ut audacium sceleri resistatis, innocentium calamitatem levetis, et in causa Sex. Roscii periculum, quod in omnes intenditur, propulsetis. 8. Quodsi aut causa criminis aut facti suspicio aut quaelibet denique vel minima res reperietur, quam ob rem videantur illi non nihil tamen in deferendo nomine secuti, postremo si praeter eam praedam, quam dixi, quicquam aliud causae inveneritis: non recusamus, quin illorum libidini Sex. Roscii vita dedatur. Sin aliud agitur nihil, nisi ut iis ne quid desit, quibus satis nihil est, si hoc solum hoc tempore pugnatur, ut ad illam opimam praeclaramque praedam damnatio Sex. Roscii velut cumulus accedat, nonne cum multa indigna, tum hoc vel indignissimum est, vos idoneos habitos, per quorum sententias iusque iurandum id adsequantur, quod antea ipsi scelere et ferro adsequi consueverant? Qui ex civitate in senatum propter dignitatem, ex senatu in hoc consilium delecti estis propter severitatem, ab his hoc postulare homines sicarios atque gladiatores, non modo ut supplicia vitent, quae a vobis pro maleficiis suis metuere atque horrere debent, verum etiam ut spoliis ex hoc iudicio ornati auctique discedant?

9. His de rebus tantis tamque atrocibus neque satis me commode dicere neque satis graviter conqueri neque satis libere vociferari posse intellego. Nam commoditati ingenium, gravitati aetas, libertati tempora sunt impedimento. Huc accedit summus timor, quem mihi natura pudorque meus attribuit, et vestra dignitas et vis adversariorum et Sex. Roscii periculum. Quapropter vos oro atque obsecro, iudices, ut attente bonaque cum venia verba mea audiatis. 10. Fide sapientiaque vestra fretus plus

oneris sustuli, quam ferre me posse intellego. Hoc onus si vos aliqua ex parte adlevabitis, feram, ut potero, studio et industria, iudices; sin a vobis, id quod non spero, deserar, tamen animo non deficiam et id, quod suscepi, quoad potero, perferam. Quod si perferre non potero, opprimi me onere officii malo quam id, quod mihi cum fide semel impositum est, aut propter perfidiam abicere aut propter infirmitatem animi deponere. 11. Te quoque magno opere, M. Fanni, quaeso, ut, qualem te iam antea populo Romano praebuisti, cum huic eidem quaestioni iudex praeesses, talem te et nobis et rei publicae hoc tempore impertias.

Quanta multitudo hominum convenerit ad hoc iudicium, vides; quae sit omnium mortalium exspectatio, quae cupiditas, ut acria ac severa iudicia fiant, intellegis. Longo intervallo iudicium inter sicarios hoc primum committitur, cum interea caedes indignissimae maximaeque factae sint. Omnes hanc quaestionem te praetore e manifestis maleficiis cottidianoque sanguine vindicationem sui sperant futuram. 12. Qua vociferatione in ceteris iudiciis accusatores uti consueverunt, ea nos hoc tempore utimur, qui causam dicimus. Petimus abs te, M. Fanni, a vobisque, iudices, ut quam acerrime maleficia vindicetis, ut quam fortissime hominibus audacissimis resistatis, ut hoc cogitetis, nisi in hac causa, qui vester animus sit, ostendetis, eo prorumpere hominum cupiditatem et scelus et audaciam, ut non modo clam ex insidiis, verum etiam hic in foro, ante tribunal tuum, M. Fanni, ante pedes vestros, iudices, inter ipsa subsellia caedes futurae sint. 13. Etenim quid aliud hoc iudicio tentatur, nisi ut id fieri liceat? Accusant ii, qui in fortunas huius invaserunt: causam dicit is, cui praeter calamitatem nihil reliquerunt; accusant ii, quibus occidi patrem Sex. Roscii bono fuit: causam dicit is, cui non modo luctum mors patris attulit, verum etiam egestatem; accusant ii, qui hunc ipsum

iugulare summe cupierunt: causam dicit is, qui etiam ad hoc ipsum iudicium cum praesidio venit, ne hic ibidem ante oculos vestros trucidetur; denique accusant ii, quos populus poscit: causam dicit is, qui unus relictus ex illorum nefaria caede restat. 14. Atque ut facilius intellegere possitis, iudices, ea, quae facta sunt, indigniora esse, quam haec sunt, quae dicimus, ab initio res quem ad modum gesta sit, vobis exponemus, quo facilius et huius hominis innocentissimi miserias et illorum audaciam cognoscere possitis et rei publicae calamitatem.

15. Sex. Roscius, pater huiusce, municeps Amerinus fuit, cum genere et nobilitate et pecunia non modo sui municipii. verum etiam eius vicinitatis facile primus, tum gratia atque hospitiis florens hominum nobilissimorum. Nam cum Metellis, Serviliis, Scipionibus erat ei non modo hospitium, verum etiam domesticus usus et consuetudo, quas, ut aequum est, familias honestatis amplitudinisque gratia nomino. Itaque ex suis omnibus commodis hoc solum filio reliquit: nam patrimonium domestici praedones vi ereptum possident, fama et vita innocentis ab hospitibus amicisque paternis defenditur. 16. Hic cum omni tempore nobilitatis fautor fuisset, tum hoc tumultu proximo, cum omnium nobilium dignitas et salus in discrimen veniret, praeter ceteros in ea vicinitate eam partem causamque opera, studio, auctoritate defendit. Etenim rectum putabat pro eorum honestate se pugnare, propter quos ipse honestissimus inter suos numerabatur. Posteaquam victoria constituta est ab armisque recessimus, cum proscriberentur homines atque ex omni regione caperentur ii, qui adversarii fuisse putabantur, erat ille Romae frequens atque in foro et in ore omnium cottidie versabatur, magis ut exsultare victoria nobilitatis videretur quam timere, ne quid ex ea calamitatis sibi accideret. 17. Erant ei veteres inimicitiae cum duobus Rosciis Amerinis, quorum alterum sedere in accusatorum subselliis video, alterum tria huiusce praedia

possidere audio: quas inimicitias si tam cavere potuisset, quam metuere solebat, viveret. Neque enim, iudices, iniuria metuebat. Nam duo isti sunt Titi Roscii (quorum alteri Capitoni cognomen est, iste qui adest Magnus vocatur) homines eius modi. Alter plurimarum palmarum vetus ac nobilis gladiator habetur, hic autem nuper se ad eum lanistam contulit, quique ante hanc pugnam tiro esset, quod sciam, facile ipsum magistrum scelere audaciaque superavit. 6 30

18. Nam cum hic Sex. Roscius esset Ameriae, Titus autem iste Roscius Romae, cum hic filius adsiduus in praediis esset cumque se voluntate patris rei familiari vitaeque rusticae dedisset, iste autem frequens Romae esset: occiditur ad balneas Pallacinas rediens a cena Sex. Roscius. Spero ex hoc ipso non esse obscurum, ad quem suspicio maleficii pertineat; verum id, quod adhuc est suspiciosum, nisi perspicuum res ipsa fecerit, hunc adfinem culpae iudicatote. 19. Occiso Sex. Roscio primus Ameriam nuntiat Mallius Glaucia quidam, homo tenuis libertinus, cliens et familiaris istius T. Roscii, et nuntiat domum non filii, sed T. Capitonis inimici; et cum post horam primam noctis occisus esset, primo diluculo nuntius hic Ameriam venit. Decem horis nocturnis sex et quinquaginta milia passuum cisiis pervolavit, non modo ut exoptatum inimico nuntium primus adferret, sed etiam cruorem inimici quam recentissimum telumque paulo ante e corpore extractum ostenderet. 20. Quadriduo, quo haec gesta sunt, res ad Chrysogonum in castra L. Sullae Volaterras defertur; magnitudo pecuniae demonstratur; bonitas praediorum—nam fundos decem et tres reliquit, qui Tiberim fere omnes tangunt—, huius inopia et solitudo commemoratur; demonstrant, cum pater huiusce Sex. Roscius, homo tam splendidus et gratiosus, nullo negotio sit occisus, perfacile hunc, hominem incautum et rusticum et Romae ignotum, de medio tolli posse: ad eam rem 7 10 15 20 25

7 operam suam pollicentur. Ne diutius teneam, iudices, societas coitur.

8 21. Cum iam proscriptionis mentio nulla fieret, cum etiam qui antea metuerant redirent ac iam defunctos sese periculis arbitrarentur, nomen refertur in tabulas Sex. Roscii, [bona veneunt] hominis studiosissimi nobilitatis; manceps fit Chrysogonus. Tria praedia vel nobilissima Capitoni propria traduntur, quae hodie possidet; in reliquas omnes fortunas iste T. Roscius nomine Chrysogoni, quem ad modum ipse dicit, impetum facit. [Haec bona, sexagiens HS, emuntur duobus milibus nummum.] Haec omnia, iudices, imprudente L. Sulla facta esse certo scio. 22. Neque enim mirum (cum eodem tempore et ea quae praeterita sunt recreet, et ea quae videntur instare praeparet, cum et pacis constituendae rationem et belli gerendi potestatem solus habeat, cum omnes in unum spectent, unus omnia gubernet, cum tot tantisque negotiis distentus sit, ut respirare libere non possit), si aliquid non animadvertat, cum praesertim tam multi occupationem eius observent tempusque aucupentur, ut, simulatque ille despexerit, aliquid huiusce modi moliantur. Huc accedit, quod, quamvis ille felix sit, sicut est, tamen tanta felicitate nemo potest esse, in magna familia qui neminem neque servum neque libertum improbum habeat. 23. Interea iste T. Roscius, vir optimus, procurator Chrysogoni, Ameriam venit, in praedia huius invadit, hunc miserum, luctu perditum, qui nondum etiam omnia paterno funeri iusta solvisset, nudum eicit domo atque focis patriis disque penatibus praecipitem, iudices, exturbat, ipse amplissimae pecuniae fit dominus. Qui in sua re fuisset egentissimus, erat, ut fit, insolens in aliena; multa palam domum suam auferebat, plura clam de medio removebat, non pauca suis adiutoribus large effuseque donabat, reliqua constituta auctione vendebat.

9 24. Quod Amerinis usque eo visum est indignum, ut

urbe tota fletus gemitusque fieret. Etenim multa simul 9
ante oculos versabantur: mors hominis florentissimi Sex.
Roscii crudelissima, filii autem eius egestas indignissima,
cui de tanto patrimonio praedo iste nefarius ne iter quidem 5
ad sepulcrum patrium reliquisset; bonorum ademptio,
flagitiosa possessio, furta, rapinae, donationes. Nemo erat,
qui non ardere illa omnia mallet quam videre in Sex.
Roscii, viri optimi atque honestissimi, bonis iactantem se
ac dominantem T. Roscium. 25. Itaque decurionum 10
decretum statim fit, ut decem primi proficiscantur ad L.
Sullam doceantque eum, qui vir Sex. Roscius fuerit, con-
querantur de istorum scelere et iniuriis, orent, ut et illius
mortui famam et filii innocentis fortunas conservatas velit.
Atque ipsum decretum, quaeso, cognoscite. DECRETUM 15
DECURIONUM. Legati in castra veniunt. Intellegitur,
iudices, id quod iam ante dixi, imprudente L. Sulla scelera
haec et flagitia fieri. Nam statim Chrysogonus et ipse ad
eos accedit et homines nobiles adlegat, qui peterent,
ne ad Sullam adirent, et omnia Chrysogonum quae vellent 20
esse facturum pollicerentur. 26. Usque adeo autem ille
pertimuerat, ut mori mallet quam de his rebus Sullam
doceri. Homines antiqui, qui ex sua natura ceteros finge-
rent, cum ille confirmaret sese nomen Sex. Roscii de tabulis
exempturum, praedia vacua filio traditurum, cumque id 25
ita futurum T. Roscius Capito, qui in decem legatis erat,
appromitteret, crediderunt: Ameriam re inorata reverte-
runt. Ac primo rem differre cottidie ac procrastinare isti
coeperunt, deinde aliquanto lentius nihil agere atque delu-
dere, postremo—id quod facile intellectum est—insidias 30
vitae huiusce Sex. Roscii parare neque sese arbitrari posse
diutius alienam pecuniam domino incolumi obtinere.

27. Quod hic simulatque sensit, de amicorum cognato- 10
rumque sententia Romam confugit et sese ad Caeciliam,
*Nepotis sororem, +Balearici filiam, quam honoris causa
nomino, contulit, qua pater usus erat plurimum; in qua

* Quintus Metellus nepos consul in 98 B.C. + one of the two proposers of the lex Caecilia Didia of that year a law designed to prevent hasty legislation + combination of different measures in a single bill.
+ Quintus Caecilius Metellus who in 123 BC by his occupation + colonization of the Balearic Isles gained the agnomen Balearicus.

muliere, iudices, etiam nunc, id quod omnes semper existimaverunt, quasi exempli causa vestigia antiqui officii remanent. Ea Sex. Roscium inopem, eiectum domo atque expulsum ex suis bonis, fugientem latronum tela et minas, recepit domum hospitique oppresso iam desperatoque ab omnibus opitulata est. Eius virtute, fide, diligentia factum est, ut hic potius vivus in reos quam occisus in proscriptos referretur. 28. Nam postquam isti intellexerunt summa diligentia vitam Sex. Roscii custodiri neque sibi ullam caedis faciendae potestatem dari, consilium ceperunt plenum sceleris et audaciae, ut nomen huius de parricidio deferrent, ut ad eam rem aliquem accusatorem veterem compararent qui de ea re posset dicere aliquid, in qua re nulla subesset suspicio, denique ut, quoniam crimine non poterant, tempore ipso pugnarent. Ita loqui homines: quod iudicia tam diu facta non essent, condemnari eum oportere, qui primus in iudicium adductus esset; huic autem patronos propter Chrysogoni gratiam defuturos; de bonorum venditione et de ista societate verbum esse facturum neminem; ipso nomine parricidii et atrocitate criminis fore, ut hic nullo negotio tolleretur, cum ab nullo defensus esset. 29. Hoc consilio atque adeo hac amentia impulsi, quem ipsi, cum cuperent, non potuerunt occidere, eum iugulandum vobis tradiderunt.

11 Quid primum querar? Aut unde potissimum, iudices, ordiar? Aut quod aut a quibus auxilium petam? Deorumne immortalium, populine Romani, vestramne, qui summam potestatem habetis hoc tempore, fidem implorem? 30. Pater occisus nefarie, domus obsessa ab inimicis, bona adempta, possessa, direpta; filii vita infesta, saepe ferro atque insidiis appetita: quid ab his tot maleficiis sceleris abesse videtur? Tamen haec aliis nefariis cumulant atque adaugent: crimen incredibile confingunt, testes in hunc et accusatores huiusce pecunia comparant, hanc condicionem misero ferunt, ut optet, utrum malit cervices T. Roscio

dare, an insutus in culleum per summum dedecus vitam amittere. 11 Patronos huic defuturos putaverunt; desunt; qui libere dicat, qui cum fide defendat, id quod in hac causa satis est, non deest profecto, iudices. 31. Et forsitan in suscipienda causa temere impulsus adulescentia fecerim; quoniam quidem semel suscepi, licet hercules undique omnes minae terrores periculaque impendeant omnia, succurram ac subibo. Certum est deliberatumque, quae ad causam pertinere arbitror, omnia non modo dicere, verum etiam libenter libereque dicere. Nulla res tanta exsistet, iudices, ut possit vim mihi maiorem adhibere metus quam fides. 32. Etenim quis tam dissoluto animo est, qui, haec cum videat, tacere ac neglegere possit? Patrem meum, cum proscriptus non esset, iugulastis, occisum in proscriptorum numerum rettulistis, me domo mea per vim expulistis, patrimonium meum possidetis. Quid vultis amplius? Etiamne ad subsellia cum ferro atque telis venistis, ut hic aut iuguletis aut condemnetis Sex. Roscium?

33. Hominem longe audacissimum nuper habuimus in 12 civitate, C. Fimbriam, et, quod inter omnes constat nisi inter eos qui ipsi quoque insaniunt, insanissimum. Is cum curasset in funere C. Marii ut Q. Scaevola vulneraretur (vir sanctissimus atque ornatissimus nostrae civitatis, de cuius laude neque hic locus est, ut multa dicantur, neque plura tamen dici possunt, quam populus Romanus memoria retinet), diem Scaevolae dixit, posteaquam comperit eum posse vivere. Cum ab eo quaereretur, quid tandem accusaturus esset eum, quem pro dignitate ne laudare quidem quisquam satis commode posset, aiunt hominem, ut erat furiosus, respondisse, quod non totum telum corpore recepisset. Quo populus Romanus nihil vidit indignius nisi eiusdem viri mortem, quae tantum potuit, ut omnes cives perdiderit et adflixerit, quos quia servare per compositionem volebat, ipse ab iis interemptus est. 34. Estne hoc illi dicto atque facto Fimbriano simillimum? Accusatis

12 Sex. Roscium. Quid ita? Quia de manibus vestris effugit, quia se occidi passus non est. Illud, quia in Scaevola factum est, indignum videtur: hoc, quia fit a Chrysogono, num est magis ferendum? Nam per deos immortales, quid est in hac causa quod defensionis indigeat? Qui locus ingenium patroni requirit aut oratoris eloquentiam magno opere desiderat? Totam causam, iudices, explicemus atque ante oculos expositam consideremus; ita facillime, quae res totum iudicium contineat, et quibus de rebus nos dicere oporteat, et quid vos sequi conveniat, intellegetis.

13 35. Tres sunt res, quantum ego existimare possum, quae obstent hoc tempore Sex. Roscio: crimen adversariorum et audacia et potentia. Criminis confictionem accusator Erucius suscepit, audaciae partes Roscii sibi poposcerunt, Chrysogonus autem is qui plurimum potest potentia pugnat. De hisce omnibus rebus me dicere oportere intellego. 36. Quid igitur est? Non eodem modo de omnibus, ideo quod prima illa res ad meum officium pertinet, duas autem reliquas vobis populus Romanus imposuit. Ego crimen oportet diluam, vos et audaciae resistere et hominum eius modi perniciosam atque intolerandam potentiam primo quoque tempore exstinguere atque opprimere debetis.

37. Occidisse patrem Sex. Roscius arguitur. Scelestum, di immortales, ac nefarium facinus atque eius modi, quo uno maleficio scelera omnia complexa esse videantur. Etenim si, id quod praeclare a sapientibus dicitur, vultu saepe laeditur pietas, quod supplicium satis acre reperietur in eum, qui mortem obtulerit parenti, pro quo mori ipsum, si res postularet, iura divina atque humana cogebant? 38. In hoc tanto, tam atroci, tam singulari maleficio, quod ita raro exstitit, ut, si quando auditum sit, portenti ac prodigii simile numeretur, quibus tandem tu, C. Eruci, argumentis accusatorem censes uti oportere? Nonne et audaciam eius, qui in crimen vocetur, singularem ostendere

et mores feros immanemque naturam et vitam vitiis flagi- 13
tiisque omnibus deditam et denique omnia ad perniciem
profligata atque perdita? Quorum tu nihil in Sex. Ros-
cium ne obiciendi quidem causa contulisti.

39. Patrem occidit Sex. Roscius. Qui homo? Adules- 14
centulus corruptus et ab hominibus nequam inductus?
Annos natus maior quadraginta. Vetus videlicet sicarius,
homo audax et saepe in caede versatus? At hoc ab accusa-
tore ne dici quidem audistis. Luxuries igitur hominem 5
nimirum et aeris alieni magnitudo et indomitae animi
cupiditates ad hoc scelus impulerunt? De luxurie purgavit
Erucius, cum dixit hunc ne in convivio quidem ullo fere
interfuisse; nihil autem umquam debuit. Cupiditates porro
quae possunt esse in eo, qui, ut ipse accusator obiecit, ruri 10
semper habitarit et in agro colendo vixerit? Quae vita
maxime disiuncta a cupiditate est et cum officio coniuncta.
40. Quae res igitur tantum istum furorem Sex. Roscio
obiecit? "Patri" inquit "non placebat." Patri non
placebat? Quam ob causam? Necesse est enim eam 15
quoque iustam et magnam et perspicuam fuisse. Nam ut
illud incredibile est, mortem oblatam esse patri a filio sine
plurimis et maximis causis, sic hoc veri simile non est,
odio fuisse parenti filium sine causis multis et magnis et
necessariis. 41. Rursus igitur eodem revertamur et quae- 20
ramus, quae tanta vitia fuerint in unico filio, quare is patri
displiceret. At perspicuum est nullum fuisse. Pater
igitur amens, qui odisset eum sine causa, quem procrearat?
At is quidem fuit omnium constantissimus. Ergo illud
iam perspicuum profecto est, si neque amens pater neque 25
perditus filius fuerit, neque odii causam patri neque sceleris
filio fuisse.

42. "Nescio" inquit "quae causa odii fuerit; fuisse 15
odium intellego, quia antea, cum duos filios haberet, illum
alterum, qui mortuus est, secum omni tempore volebat esse,
hunc in praedia rustica relegarat." Quod Erucio accidebat

15 in mala nugatoriaque accusatione, idem mihi usu venit in
6 causa optima. Ille, quo modo crimen commenticium confirmaret, non inveniebat: ego, res tam leves qua ratione infirmem ac diluam, reperire non possum. 43. Quid ais, Eruci? Tot praedia, tam pulcra, tam fructuosa, Sex.
10 Roscius filio suo relegationis ac supplicii gratia colenda ac tuenda tradiderat? Quid? Hoc patres familiae, qui liberos habent, praesertim homines illius ordinis ex municipiis rusticanis, nonne optatissimum sibi putant esse, filios suos rei familiari maxime servire et in praediis
15 colendis operae plurimum studiique consumere? 44. An amandarat hunc sic, ut esset in agro ac tantum modo aleretur ad villam? Ut commodis omnibus careret? Quid? Si constat hunc non modo colendis praediis praefuisse, sed certis fundis patre vivo frui solitum esse,
20 tamenne haec a te vita rusticana relegatio atque amandatio appellabitur? Vides, Eruci, quantum distet argumentatio tua ab re ipsa atque veritate. Quod consuetudine patres faciunt, id quasi novum reprehendis; quod benevolentia fit, id odio factum criminaris; quod honoris causa
25 pater filio suo concessit, id eum supplicii causa fecisse dicis. 45. Neque haec tu non intellegis, sed usque eo quid arguas non habes, ut non modo tibi contra nos dicendum putes, verum etiam contra rerum naturam contraque consuetudinem hominum contraque opiniones omnium.

16 At enim, cum duos filios haberet alterum a se non dimittebat, alterum ruri esse patiebatur. Quaeso, Eruci, ut hoc in bonam partem accipias; non enim exprobrandi causa, sed commonendi gratia dicam. 46. Si tibi fortuna
5 non dedit, ut patre certo nascerere, ex quo intellegere posses, qui animus patrius in liberos esset, at natura certe dedit, ut humanitatis non parum haberes; eo accessit studium doctrinae, ut ne a litteris quidem alienus esses. Ecquid tandem tibi videtur, ut ad fabulas veniamus, senex
10 ille Caecilianus* minoris facere Eutychum filium rusticum

* Statius Caecilius, an Insubrian Gaul, brought as a prisoner to Rome, became one of the most successful of the old Latin comic poets. His plays were an adaptation from Menander & other Athenian dramatists of the new comedy. He died about 168 B.C.

quam illum alterum Chaerestratum?—nam, ut opinor, 16
hoc nomine est—alterum in urbe secum honoris causa
habere, alterum rus supplicii causa relegasse? 47. "Quid
ad istas ineptias abis?" inquies. Quasi vero mihi difficile
sit quamvis multos nominatim proferre, ne longius abeam, 15
vel tribules vel vicinos meos, qui suos liberos, quos plurimi
faciunt, agricolas adsiduos esse cupiunt. Verum homines
notos sumere odiosum est, cum et illud incertum sit,
velintne ii sese nominari, et nemo vobis magis notus
futurus sit, quam est hic Eutychus, et certe ad rem nihil 20
intersit, utrum hunc ego comicum adulescentem an aliquem
ex agro Veienti nominem. Etenim haec conficta arbitror
esse a poetis, ut effictos nostros mores in alienis personis
expressamque imaginem vitae cottidianae videremus. 48.
Age nunc, refer animum sis ad veritatem et considera, non 25
modo in Umbria atque in ea vicinitate, sed in his veteribus
municipiis quae studia a patribus familias maxime lauden-
tur; iam profecto te intelleges inopia criminum summam
laudem Sex. Roscio vitio et culpae dedisse.

Ac non modo hoc patrum voluntate liberi faciunt, sed 17
permultos et ego novi et, nisi me fallit animus, unus
quisque vestrum, qui et ipsi incensi sunt studio, quod ad
agrum colendum attinet, vitamque hanc rusticam, quam tu
probro et crimini putas esse oportere, et honestissimam et 5
suavissimam esse arbitrantur. 49. Quid censes hunc ipsum
Sex. Roscium quo studio et qua intellegentia esse in
rusticis rebus? Ut ex his propinquis eius, hominibus
honestissimis, audio, non tu in isto artificio accusatorio
callidior es quam hic in suo. Verum, ut opinor, quoniam ita 10
Chrysogono videtur, qui huic nullum praedium reliquit,
et artificium obliviscatur et studium deponat licebit. Quod
tametsi miserum et indignum est, feret tamen aequo animo,
iudices, si per vos vitam et famam potest obtinere; hoc
vero est, quod ferri non potest, si et in hanc calamitatem 15
venit propter praediorum bonitatem et multitudinem et,

17 quod ea studiose coluit, id erit ei maxime fraudi, ut parum miseriae sit, quod aliis coluit, non sibi, nisi etiam, quod omnino coluit, crimini fuerit.

18 50. Ne tu, Eruci, accusator esses ridiculus, si illis temporibus natus esses, cum ab aratro arcessebantur qui consules fierent. Etenim qui praeesse agro colendo flagitium putes, profecto illum Atilium, quem sua manu spargentem semen qui missi erant convenerunt, hominem turpissimum atque inhonestissimum iudicares. At hercule maiores nostri longe aliter et de illo et de ceteris talibus viris existimabant. Itaque ex minima tenuissimaque re publica maximam et florentissimam nobis reliquerunt. Suos enim agros studiose colebant, non alienos cupide appetebant; quibus rebus et agris et urbibus et nationibus rem publicam atque hoc imperium et populi Romani nomen auxerunt. 51. Neque ego haec eo profero, quo conferenda sint cum hisce, de quibus nunc quaerimus, sed ut illud intellegatur, cum apud maiores nostros summi viri clarissimique homines, qui omni tempore ad gubernacula rei publicae sedere debebant, tamen in agris quoque colendis aliquantum operae temporisque consumpserint, ignosci oportere ei homini, qui se fateatur esse rusticum cum ruri adsiduus semper vixerit, cum praesertim nihil esset, quod aut patri gratius aut sibi iucundius aut re vera honestius facere posset.

52. Odium igitur acerrimum patris in filium ex hoc, opinor, ostenditur, Eruci, quod hunc ruri esse patiebatur! numquid est aliud? "Immo vero," inquit, "est: nam istum exheredare in animo habebat." Audio; nunc dicis aliquid, quod ad rem pertineat. Nam illa, opinor, tu quoque concedis levia esse atque inepta: "convivia cum patre non inibat." Quippe, qui ne in oppidum quidem nisi perraro veniret. "Domum suam istum non fere quisquam vocabat." Nec mirum, qui neque in urbe viveret neque revocaturus esset.

Verum haec tu quoque intellegis esse nugatoria; illud quod coepimus videamus, quo certius argumentum odii reperiri nullo modo potest. "Exheredare pater filium cogitabat." 53. Mitto quaerere, qua de causa; quaero, qui scias; tametsi te dicere atque enumerare causas omnes oportebat, et id erat certi accusatoris officium, qui tanti sceleris argueret, explicare omnia vitia ac peccata filii, quibus incensus parens potuerit animum inducere, ut naturam ipsam vinceret, ut amorem illum penitus insitum eiceret ex animo, ut denique patrem esse sese oblivisceretur; quae sine magnis huiusce peccatis accidere potuisse non arbitror. 54. Verum concedo tibi, ut ea praetereas, quae cum taces, nulla esse concedis; illud quidem, voluisse exheredare, certe tu planum facere debes. Quid ergo adfers, quare id factum putemus? Vere nihil potes dicere; finge aliquid saltem commode, ut ne plane videaris id facere, quod aperte facis, huius miseri fortunis et horum virorum talium dignitati inludere. Exheredare filium voluit: quam ob causam? "Nescio." Exheredavitne? "Non." Quis prohibuit? "Cogitabat." Cogitabat? Cui dixit? "Nemini." Quid est aliud iudicio ac legibus ac maiestate vestra abuti ad quaestum atque ad libidinem, nisi hoc modo accusare atque id obicere, quod planum facere non modo non possis, verum ne coneris quidem? 55. Nemo nostrum est, Eruci, quin sciat tibi inimicitias cum Sex. Roscio nullas esse; vident omnes, qua de causa huc inimicus venias; sciunt huiusce pecunia te adductum esse. Quid ergo est? Ita tamen quaestus te cupidum esse oportebat, ut horum existimationem et legem Remmiam* putares aliquid valere oportere.

Accusatores multos esse in civitate utile est, ut metu contineatur audacia; verum tamen hoc ita est utile, ut ne plane inludamur ab accusatoribus. Innocens est quispiam; verum tamen quamquam abest a culpa, suspicione tamen non caret: tametsi miserum est, tamen ei, qui hunc

* Legem Remmiam: by this law anyone who was convicted of calumnia or fraud in the conduct of a prosecution was punished by having the letter K (Kalumnia) branded on his forehead

accuset, possim aliquo modo ignoscere. Cum enim aliquid habeat, quod possit crimĭnose ac suspiciose dicere, aperte ludificari et calumniari sciens non videatur. 56. Quare facile omnes patimur esse quam plurimos accusatores, quod innocens, si accusatus est, absolvi potest, nocens, nisi accusatus fuerit, condemnari non potest; utilius est autem absolvi innocentem quam nocentem causam non dicere. Anseribus cibaria publice locantur et canes aluntur in Capitolio, ut significent, si fures venerint. At fures internoscere non possunt; significant tamen, si qui noctu in Capitolium venerunt, quia id est suspiciosum, et tametsi bestiae sunt, tamen in eam partem potius peccant, quae est cautior. Quodsi luce quoque canes latrent, cum deos salutatum aliqui venerint, opinor, iis crura suffringantur, quod acres sint etiam tum, cum suspicio nulla sit. 57. Simillima est accusatorum ratio. Alii vestrum anseres sunt, qui tantum modo clamant, nocere non possunt, alii canes, qui et latrare et mordere possunt. Cibaria vobis praeberi videmus; vos autem maxime debetis in eos impetum facere, qui merentur. Hoc populo gratissimum est. Deinde, si voletis, etiam tum, cum veri simile erit aliquem commisisse, in suspicione latratote; id quoque concedi potest. Sin autem sic agetis, ut arguatis aliquem patrem occidisse, neque dicere possitis aut qua re aut quo modo, ac tantum modo sine suspicione latrabitis, crura quidem vobis nemo suffringet, sed si ego hos bene novi, litteram illam, cui vos usque eo inimici estis, ut etiam kalendas omnes oderitis, ita vehementer ad caput adfigent, ut postea neminem alium nisi fortunas vestras accusare possitis.

58. Quid mihi ad defendendum dedisti, bone accusator? Quid hisce autem ad suspicandum? 'Ne exheredaretur, veritus est.' Audio; sed qua de causa vereri debuerit, nemo dicit. 'Habebat pater in animo.' Planum fac. Nihil est; non quicum deliberarit, quem certiorem fecerit, unde istud vobis suspicari in mentem venerit. Cum hoc

modo accusas, Eruci, nonne hoc palam dicis: 'Ego quid 21
acceperim scio, quid dicam nescio; unum illud spectavi,
quod Chrysogonus aiebat, neminem isti patronum futurum,
de bonorum emptione deque ea societate neminem esse
qui verbum facere auderet hoc tempore"? Haec te
opinio falsa in istam fraudem impulit; non mehercules
verbum fecisses, si tibi quemquam responsurum putasses.
59. Operae pretium erat, si animadvertistis, iudices, negle-
gentiam eius in accusando considerare. Credo, cum
vidisset qui homines in hisce subselliis sederent, quaesisse,
num ille aut ille defensurus esset; de me ne suspicatum
quidem esse, quod antea causam publicam nullam dixerim.
Posteaquam invenit neminem eorum, qui possunt et solent,
ita neglegens esse coepit, ut, cum in mentem veniret ei,
resideret, deinde spatiaretur, non nunquam etiam puerum
vocaret, credo, cui cenam imperaret, prorsus ut vestro
consessu et hoc conventu pro summa solitudine abute-
retur.

60. Peroravit aliquando, adsedit; surrexi ego. Res- 22
pirare visus est, quod non alius potius diceret. Coepi
dicere. Usque eo animadverti, iudices, eum iocari atque
alias res agere, antequam Chrysogonum nominavi; quem
simulatque attigi, statim homo se erexit, mirari visus est.
Intellexi, quid eum pupugisset. Iterum ac tertio nomi-
navi. Postea homines cursare ultro et citro non desti-
terunt, credo, qui Chrysogono nuntiarent esse aliquem in
civitate, qui contra voluntatem eius dicere auderet, aliter
causam agi atque ille existimaret, aperiri bonorum emp-
tionem, vexari pessime societatem, gratiam potentiamque
eius neglegi, iudices diligenter attendere, populo rem
indignam videri. 61. Quae quoniam te fefellerunt, Eruci,
quoniamque vides versa esse omnia, causam pro Sex.
Roscio, si non commode, at libere dici, quem dedi putabas,
defendi intellegis; quos traditurus sperabas, vides iudicare,
restitue nobis aliquando veterem tuam illam calliditatem

atque prudentiam, confitere huc ea spe venisse, quod putares hic latrocinium, non iudicium futurum.

62. De parricidio causa dicitur; ratio ab accusatore reddita non est, quam ob causam patrem filius occiderit. Quod in minimis noxiis et in his levioribus peccatis, quae magis crebra et iam prope cotidiana sunt, vel maxime et primum quaeritur, quae causa maleficii fuerit, id Erucius in parricidio quaeri non putat oportere, in quo scelere, iudices, etiam cum multae causae convenisse unum in locum atque inter se congruere videntur, tamen non temere creditur, neque levi coniectura res penditur, neque testis incertus auditur neque accusatoris ingenio res iudicatur. Cum multa antea commissa maleficia, cum vita hominis perditissima, tum singularis audacia ostendatur necesse est, neque audacia solum, sed summus furor atque amentia. Haec cum sint omnia, tamen exstent oportet expressa sceleris vestigia, ubi, qua ratione, per quos, quo tempore maleficium sit admissum. Quae nisi multa et manifesta sunt, profecto res tam scelesta, tam atrox, tam nefaria credi non potest. 63. Magna est enim vis humanitatis; multum valet communio sanguinis; reclamitat istius modi suspicionibus ipsa natura; portentum atque monstrum certissimum est esse aliquem humana specie et figura, qui tantum immanitate bestias vicerit, ut, propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit, cum etiam feras inter sese partus atque educatio et natura ipsa conciliet.

64. Non ita multis ante annis aiunt T. Caelium quendam Tarracinensem, hominem non obscurum, cum cenatus cubitum in idem conclave cum duobus adulescentibus filiis isset, inventum esse mane iugulatum. Cum neque servus quisquam reperiretur neque liber, ad quem ea suspicio pertineret, id aetatis autem duo filii propter cubantes ne sensisse quidem se dicerent, nomina filiorum de parricidio delata sunt. Quid poterat tam esse suspiciosum?

Neutrumne sensisse? Ausum autem esse quemquam se in id conclave committere, eo potissimum tempore, cum ibidem essent duo adulescentes filii, qui et sentire et defendere facile possent? Erat porro nemo, in quem ea suspicio conveniret. 65. Tamen, cum planum iudicibus esset factum aperto ostio dormientes eos repertos esse, iudicio absoluti adulescentes et suspicione omni liberati sunt. Nemo enim putabat quemquam esse, qui, cum omnia divina atque humana iura scelere nefario polluisset, somnum statim capere potuisset; propterea quod, qui tantum facinus commiserunt, non modo sine cura quiescere, sed ne spirare quidem sine metu possunt.

66. Videtisne,* quos nobis poetae tradiderunt patris ulciscendi causa supplicium de matre sumpsisse, cum praesertim deorum immortalium iussis atque oraculis id fecisse dicantur, tamen ut eos agitent Furiae neque consistere umquam patiantur, quod ne pii quidem sine scelere esse potuerunt? Sic se res habet, iudices: magnam vim, magnam necessitatem, magnam possidet religionem paternus maternusque sanguis; ex quo si qua macula concepta est, non modo elui non potest, verum usque eo permanat ad animum, ut summus furor atque amentia consequatur.

67. Nolite enim putare, quem ad modum in fabulis saepe numero videtis, eos, qui aliquid impie sceleratequeque commiserunt, agitari et perterreri Furiarum taedis ardentibus. Sua quemque fraus et suus terror maxime vexat, suum quemque scelus agitat amentiaque adficit, suae malae cogitationes conscientiaeque animi terrent. Haec sunt impiis adsiduae domesticaeque Furiae, quae dies noctesque parentum poenas a conscelleratissimis filiis repetant.

68. Haec magnitudo maleficii facit, ut, nisi paene manifestum parricidium proferatur, credibile non sit, nisi turpis adulescentia, nisi omnibus flagitiis vita inquinata, nisi sumptus effusi cum probro atque dedecore, nisi praerupta audacia, nisi tanta temeritas, ut non procul abhorreat ab

* Reference is to Orestes & Alcmaeon with whom the Romans were acquainted as matricides through their tragic poets Ennius, Pacuvius and Accius. Orestes murdered his mother Clytemnestra because she with her paramour Aegisthus had killed his father Agamemnon. Alcmaeon killed his mother Eriphyle because she had betrayed his father Amphiaraus for a golden necklace on first expedition of Seven against Thebes.

24 insania. Accedat huc oportet odium parentis, animadver-
25 sionis paternae metus, amici improbi, servi conscii, tempus
idoneum, locus opportune captus ad eam rem; paene dicam,
respersas manus sanguine paterno iudices videant oportet,
si tantum facinus, tam immane, tam acerbum credituri
sunt. 69. Quare hoc quo minus est credibile, nisi osten-
30 ditur, eo magis est, si convincitur, vindicandum.

25 Itaque cum multis ex rebus intellegi potest maiores
nostros non modo armis plus quam ceteras nationes, verum
etiam consilio sapientiaque potuisse, tum ex hac re vel
maxime, quod in impios singulare supplicium invenerunt.
5 Qua in re quantum prudentia praestiterint iis, qui apud
ceteros sapientissimi fuisse dicuntur, considerate. 70. Pru-
dentissima civitas Atheniensium, dum ea rerum potita est,
fuisse traditur. Eius porro civitatis sapientissimum
*Solonem dicunt fuisse, eum qui leges, quibus hodie quoque
10 utuntur, scripserit. Is cum interrogaretur, cur nullum
supplicium constituisset in eum, qui parentem necasset,
respondit se id neminem facturum putasse. Sapienter
fecisse dicitur, cum de eo nihil sanxerit, quod antea com-
missum non erat, ne non tam prohibere quam admonere
videretur. Quanto nostri maiores sapientius! qui cum
15 intellegerent nihil esse tam sanctum, quod non aliquando
violaret audacia, supplicium in parricidas singulare excogi-
taverunt, ut, quos natura ipsa retinere in officio non
potuisset, magnitudine poenae a maleficio submoverentur.
20 Insui voluerunt in culleum vivos atque ita in flumen
deici.

26 71. O singularem sapientiam, iudices! nonne videntur
hunc hominem ex rerum natura sustulisse et eripuisse, cui
repente caelum, solem, aquam terramque ademerint, ut, qui
eum necasset, unde ipse natus esset, careret iis rebus
5 omnibus, ex quibus omnia nata esse dicuntur? Noluerunt
feris corpus obicere, ne bestiis quoque, quae tantum scelus
attigissent, immanioribus uteremur; non sic nudos in

* Solon: a great Athenian reformer & law-giver. He was commissioned in 594 B.C. to draw up a code of laws for the State. He was the founder of the Athenian democracy & his laws remained in force in Athens even till Roman times. He was one of the Seven Wise Men of Greece, a gr. traveller & poet.

flumen deicere, ne, cum delati essent in mare, mare ipsum 26
polluerent, quo cetera, quae violata sunt, expiari putantur;
denique nihil tam vile neque tam vulgare est, cuius partem 10
ullam reliquerint. 72. Etenim quid tam est commune
quam spiritus vivis, terra mortuis, mare fluctuantibus,
litus eiectis? Ita vivunt, dum possunt, ut ducere animam
de caelo non queant, ita moriuntur, ut eorum ossa terra
non tangat, ita iactantur fluctibus, ut numquam abluantur, 15
ita postremo eiciuntur, ut ne ad saxa quidem mortui con-
quiescant. Tanti maleficii crimen, cui maleficio tam insigne
supplicium est constitutum, probare te, Eruci, censes posse
talibus viris, si ne causam quidem maleficii protuleris? Si
hunc apud bonorum emptores ipsos accusares eique iudicio 20
Chrysogonus praeesset, tamen diligentius paratiusque
venisses. 73. Utrum quid agatur non vides, an apud quos
agatur? Agitur de parricidio quod sine multis causis
suscipi non potest; apud homines autem prudentissimos
agitur, qui intellegunt neminem ne minimum quidem 25
maleficium sine causa admittere.

Esto, causam proferre non potes. Tametsi statim 27
vicisse debeo, tamen de meo iure decedam et tibi, quod in
alia causa non concederem, in hac concedam fretus huius
innocentia. Non quaero abs te, quare patrem Sex. Roscius
occiderit; quaero, quo modo occiderit. Ita quaero abs te, 5
C. Eruci: quo modo, et sic tecum agam, ut meo loco vel
respondendi vel interpellandi tibi potestatem faciam vel
etiam, si quid voles, interrogandi. 74. Quo modo occidit?
Ipse percussit an aliis occidendum dedit? Si ipsum arguis,
Romae non fuit; si per alios fecisse dicis, quaero, quos? 10
Servosne an liberos? Si per liberos, quos homines?
Indidemne Ameria an hosce ex urbe sicarios? Si Ameria,
qui sunt ii? Cur non nominantur? Si Roma, unde eos
noverat Roscius, qui Romam multis annis non venit neque
umquam plus triduo fuit? Ubi eos convenit? Qui con- 15
locutus est? Quo modo persuasit? 'Pretium dedit.'

27 Cui dedit? Per quem dedit? Unde aut quantum dedit? Nonne his vestigiis ad caput maleficii perveniri solet? Et simul tibi in mentem veniat facito, quem ad modum vitam huiusce depinxeris: hunc hominem ferum atque agrestem fuisse, numquam cum homine quoquam conlocutum esse, numquam in oppido constitisse. 75. Qua in re praetereo illud, quod mihi maximo argumento ad huius innocentiam poterat esse, in rusticis moribus, in victu arido, in hac horrida incultaque vita istius modi maleficia gigni non solere. Ut non omnem frugem neque arborem in omni agro reperire possis, sic non omne facinus in omni vita nascitur. In urbe luxuries creatur, ex luxurie existat avaritia necesse est, ex avaritia erumpat audacia, inde omnia scelera ac maleficia gignuntur. Vita autem haec rustica, quam tu agrestem vocas, parsimoniae, diligentiae, iustitiae magistra est.

28 76. Verum haec missa facio; illud quaero, is homo, qui, ut tute dicis, numquam inter homines fuerit, per quos homines hoc tantum facinus, tam occultum, absens praesertim conficere potuerit. Multa sunt falsa, iudices, quae tamen argui suspiciose possunt; in his rebus si suspicio reperta erit, culpam inesse concedam. Romae Sex. Roscius occiditur, cum in agro Amerino esset filius. Litteras, credo, misit alicui sicario, qui Romae noverat neminem. Arcessivit aliquem. Quem aut quando? Nuntium misit. Quem aut ad quem? Pretio, gratia, spe, promissis induxit aliquem. Nihil horum ne confingi quidem potest, et tamen causa de parricidio dicitur.

77. Reliquum est, ut per servos id admiserit. O, di immortales, rem miseram et calamitosam, quod in tali crimine quod innocentibus saluti solet esse, ut servos in quaestionem polliceantur, id Sex. Roscio facere non licet! Vos, qui hunc accusatis, omnes eius servos habetis; unus puer, victus cottidiani minister, ex tanta familia Sex. Roscio relictus non est. Te nunc appello, *P. Scipio, te,

* Perhaps Publius Cornelius Scipio Nasica, nephew of the Nasica who led the crowd of knights & gladiators by whom Tiberius Gracchus & his associates were killed (133 BC). He was praetor in 94 B.C.

M. Metelle; vobis advocatis, vobis agentibus aliquotiens 28
duos servos paternos in quaestionem ab adversariis Sex. 21
Roscius postulavit. Meministisne T. Roscium recusare?
Quid? Ii servi ubi sunt? Chrysogonum, iudices, sectan-
tur; apud eum sunt in honore et in pretio. Etiam nunc,
ut ex iis quaeratur, ego postulo, hic orat atque obsecrat. 25
Quid facitis? Recusatis. 78. Dubitate etiam nunc,
iudices, si potestis, a quo sit Sex. Roscius occisus: ab eone,
qui propter illius mortem in egestate et insidiis versatur,
cui ne quaerendi quidem de morte patris potestas permit-
titur, an ab iis, qui quaestionem fugitant, bona possident, 30
in caede atque ex caede vivunt. Omnia, iudices, in hac
causa sunt misera atque indigna, tamen hoc nihil neque
acerbius neque iniquius proferri potest: mortis paternae
de servis paternis quaestionem habere filio non licet! ne
tam diu quidem dominus erit in suos, dum ex iis de patris 35
morte quaeratur? Veniam, neque ita multo post, ad hunc
locum; nam hoc totum ad Roscios pertinet, de quorum
audacia tum me dicturum pollicitus sum, cum Erucii
crimina diluissem. Nunc, Eruci, ad te venio.

79. Conveniat mihi tecum necesse est, si ad hunc male- 29
ficium istud pertinet, aut ipsum sua manu fecisse, id quod
negas, aut per aliquos liberos aut servos. Liberosne?
Quos neque ut convenire potuerit neque qua ratione
inducere neque ubi neque per quos neque qua spe aut 5
quo pretio, potes ostendere. Ego contra ostendo non
modo nihil eorum fecisse Sex. Roscium, sed ne potuisse
quidem facere, quod neque Romae multis annis fuerit
neque de praediis umquam temere discesserit. Restare
tibi videbatur servorum nomen, quo quasi in portum 10
reiectus a ceteris suspicionibus confugere posses; ubi
scopulum offendis eius modi, ut non modo ab hoc crimen
resilire videas, verum omnem suspicionem in vosmet ipsos
recidere intellegas. 80. Quid ergo est? Quo tandem
accusator inopia argumentorum confugit? "Eius modi 15

29 tempus erat," inquit "ut homines vulgo impune occiderentur; quare hoc tu propter multitudinem sicariorum nullo negotio facere potuisti." Interdum mihi videris, Eruci, una mercede duas res adsequi velle, nos iudicio pertundere, 20 accusare autem eos ipsos, a quibus mercedem accepisti. Quid ais? Vulgo occidebantur? Per quos et a quibus? Nonne cogitas te a sectoribus huc adductum esse? "Quid postea?" Nescimus per ista tempora eosdem fere sectores fuisse collorum et bonorum? 81. Ii denique, qui tum 25 armati dies noctesque concursabant, qui Romae erant adsidui, qui omni tempore in praeda et in sanguine versabantur, Sex. Roscio temporis illius acerbitatem iniquitatemque obicient? Et illam sicariorum multitudinem, in qua ipsi duces ac principes erant, huic crimini putabunt 30 fore, qui non modo Romae non fuit, sed omnino quid Romae ageretur nescivit, propterea quod ruri adsiduus, quem ad modum tute confiteris, fuit? 82. Vereor, ne aut molestus sim vobis, iudices, aut ne ingeniis vestris videar diffidere, si de tam perspicuis rebus diutius disseram. 35 Erucii criminatio tota, ut arbitror, dissoluta est; nisi forte exspectatis, ut illa diluam, quae de peculatu ac de eius modi rebus commenticiis inaudita nobis ante hoc tempus ac nova obiecit. Quae mihi iste visus est ex alia oratione declamare, quam in alium reum commentaretur; ita neque ad 40 crimen parricidii neque ad eum, qui causam dicit, pertinebant. De quibus quoniam verbo arguit, verbo satis est negare. Si quid est quod ad testes reservet, ibi quoque nos, ut in ipsa causa, paratiores reperiet quam putabat.

30 83. Venio nunc eo, quo me non cupiditas ducit, sed fides. Nam si mihi liberet accusare, accusarem alios potius, ex quibus possem crescere; quod certum est non facere, dum utrumvis licebit. Is enim mihi videtur amplissimus, qui 5 sua virtute in altiorem locum pervenit, non qui ascendit per alterius incommodum et calamitatem. Desinamus aliquando ea scrutari, quae sunt inania; quaeramus ibi

maleficium, ubi et est et inveniri potest; iam intelleges, 30
Eruci, certum crimen quam multis suspicionibus coargua-
tur. Tametsi neque omnia dicam et leviter unum quidque 10
tangam. Neque enim id facerem, nisi necesse esset, et id
erit signi me invitum facere, quod non persequar longius,
quam salus huius et mea fides postulabit. 84. Causam tu
nullam reperiebas in Sex. Roscio; at ego in T. Roscio
reperio. Tecum enim mihi res est, T. Rosci, quoniam 15
istic sedes ac te palam adversarium esse profiteris. De
Capitone post viderimus, si, quem ad modum paratum esse
audio, testis prodierit; tum alias quoque suas palmas
cognoscet, de quibus me ne audisse quidem suspicatur.
L. Cassius ille, quem populus Romanus verissimum et 20
sapientissimum iudicem putabat, identidem in causis quae-
rere solebat, cui bono fuisset. Sic vita hominum est, ut
ad maleficium nemo conetur sine spe atque emolumento
accedere. 85. Hunc quaesitorem ac iudicem fugiebant
atque horrebant ii, quibus periculum creabatur, ideo quod, 25
tametsi veritatis erat amicus, tamen natura non tam pro-
pensus ad misericordiam quam adplicatus ad severitatem
videbatur. Ego, quamquam praeest huic quaestioni vir et
contra audaciam fortissimus et ab innocentia clementissi-
mus, tamen facile me paterer vel illo ipso acerrimo iudice 30
quaerente vel apud Cassianos iudices, quorum etiam nunc
ii, quibus causa dicenda est, nomen ipsum reformidant, pro
Sex. Roscio dicere.

86. In hac enim causa cum viderent illos amplissimam 31
pecuniam possidere, hunc in summa mendicitate esse, illud
quidem non quaererent, cui bono fuisset, sed eo perspicuo
crimen et suspicionem potius ad praedam adiungerent
quam ad egestatem. Quid, si accedit eodem ut tenuis 5
antea fueris? Quid, si ut avarus? Quid, si ut audax?
Quid, si ut illius, qui occisus est, inimicissimus? Num
quaerenda causa, quae te ad tantum facinus adduxerit?
Quid ergo horum negari potest? Tenuitas hominis eius

* Lucius Cassius Longinus tribune in 137 B.C., consul in 127 & Censor in 125. As tribune he promulgated the Lex Cassia tabellaria which introduced the use of the ballot. As a judge Cassius was noted for his severity. He was the author of the expression cui bono?

31 modi est, ut dissimulari non queat, atque eo magis eluceat,
11 quo magis occultatur. 87. Avaritiam praefers, qui societatem coieris de municipis cognatique fortunis cum alienissimo. Quam sis audax, ut alia obliviscar, hinc omnes intellegere potuerunt, quod ex tota societate, hoc est ex tot
15 sicariis, solus tu inventus es, qui cum accusatoribus sederes atque os tuum non modo ostenderes, sed etiam offerres. Inimicitias tibi fuisse cum Sex. Roscio et magnas rei familiaris controversias concedas necesse est. 88. Restat, iudices, ut hoc dubitemus, uter potius Sex. Roscium occi-
20 derit: is, ad quem morte eius divitiae venerint, an is, ad quem mendicitas; is, qui antea tenuis fuerit, an is, qui postea factus sit egentissimus; is, qui ardens avaritia feratur infestus in suos, an is, qui semper ita vixerit, ut quaestum nosset nullum, fructum autem eum
25 solum, quem labore peperisset; is, qui omnium sectorum audacissimus sit, an is, qui propter fori iudiciorumque insolentiam non modo subsellia, verum etiam urbem ipsam reformidet; postremo, iudices, id quod ad rem mea sententia maxime pertinet, utrum inimicus potius an
30 filius.

32 89. Haec tu, Eruci, tot et tanta si nanctus esses in reo, quam diu diceres! Quo te modo iactares! Tempus hercule te citius quam oratio deficeret. Etenim in singulis rebus eius modi materies est, ut dies singulos possis consumere.
5 Neque ego non possum; non enim tantum mihi derogo, tametsi nihil adrogo, ut te copiosius quam me putem posse dicere. Verum ego forsitan propter multitudinem patronorum in grege adnumerer, te pugna Cannensis accusatorem sat bonum fecit. Multos caesos non ad Trasumennum
10 lacum, sed ad Servilium vidimus. *"Quis ibi non est volneratus ferro Phrygio?" 90. Non necesse est omnes commemorare, Curtios, Marios, denique Mammeos, quos iam aetas a proelis avocabat, postremo "Priamum ipsum senem," Antistium, quem non modo aetas, sed etiam leges

* Part of a trochaic line from a lost tragedy of Ennius called "Achilles"

pugnare prohibebant. Iam quos nemo propter ignobilita- 32
tem nominat, sescenti sunt, qui inter sicarios et de veneficiis 16
accusabant: qui omnes, quod ad me attinet, vellem viverent.
Nihil enim mali est canes ibi quam plurimos esse, ubi
permulti observandi multaque servanda sunt. 91. Verum,
ut fit, multa saepe imprudentibus imperatoribus vis belli 20
ac turba molitur. Dum is in aliis rebus erat occupatus,
qui summam rerum administrabat, erant interea qui suis
vulneribus mederentur; qui, tamquam si offusa rei publicae
sempiterna nox esset, ita ruebant in tenebris omniaque
miscebant. A quibus miror, ne quod iudiciorum esset 25
vestigium, non subsellia quoque esse combusta; nam et
accusatores et iudices sustulerunt. Hoc commodi est, quod
ita vixerunt, ut testes omnes, si cuperent, interficere non
possent; nam dum hominum genus erit, qui accuset eos
non deerit; dum civitas erit, iudicia fient. Verum, ut 30
coepi dicere, et Erucius, haec si haberet in causa, quae
commemoravi, posset ea quamvis diu dicere, et ego, iudices,
possum. Sed in animo est, quem ad modum ante dixi,
leviter transire ac tantum modo perstringere unam quam-
que rem, ut omnes intellegant me non studio accusare, sed 35
officio defendere.

92. Video igitur causas esse permultas, quae istum 33
impellerent; videamus nunc, ecquae facultas suscipiendi
maleficii fuerit. Ubi occisus est Sex. Roscius? Romae.
Quid? Tu, T. Rosci, ubi tunc eras? "Romae. Verum
quid ad rem? Et alii multi." Quasi nunc id agatur, 5
quis ex tanta multitudine occiderit, ac non hoc quaeratur,
eum, qui Romae sit occisus, utrum veri similius sit ab eo
esse occisum, qui adsiduus eo tempore Romae fuerit, an
ab eo, qui multis annis Romam omnino non accesserit.
93. Age nunc ceteras quoque facultates consideremus. 10
Erat tum multitudo sicariorum, id quod commemoravit
Erucius, et homines impune occidebantur. Quid? Ea
multitudo quae erat? Opinor, aut eorum, qui in bonis

33 erant occupati, aut eorum, qui ab iis conducebatur, ut aliquem occiderent. Si eos putas, qui alienum appetebant, tu es in eo numero, qui nostra pecunia dives es; sin eos, quos qui leviore nomine appellant percussores vocant, quaere, in cuius fide sint et clientela; mihi crede, aliquem de societate tua reperies; et quidquid tu contra dixeris, id cum defensione nostra contendito; ita facillime causa Sex. Roscii cum tua conferetur. 94. Dices: "Quid postea, si Romae adsiduus fui?" Respondebo: At ego omnino non fui. "Fateor me sectorem esse, verum et alii multi." At ego, ut tute arguis, agricola et rusticus. "Non continuo, si me in gregem sicariorum contuli, sum sicarius." At ego profecto, qui ne novi quidem quemquam sicarium, longe absum ab eius modi crimine. Permulta sunt, quae dici possunt, quare intellegatur summam tibi facultatem fuisse maleficii suscipiendi; quae non modo idcirco praetereo, quod te ipsum non libenter accuso, verum eo magis etiam, quod, si de illis caedibus velim commemorare, quae tum factae sunt ista eadem ratione, qua Sex. Roscius occisus est, vereor, ne ad plures oratio mea pertinere videatur.

34 95. Videamus nunc strictim, sicut cetera, quae post mortem Sex. Roscii abs te, T. Rosci, facta sunt; quae ita aperta et manifesta sunt, ut medius fidius, iudices, invitus ea dicam. | Vereor enim, cuicuimodi es, T. Rosci, ne ita hunc videar voluisse servare, ut tibi omnino non pepercerim. Cum hoc vereor et cupio tibi aliqua ex parte, quod salva fide possim, parcere, rursus immuto voluntatem meam; venit enim mihi in mentem oris tui. Tene, cum ceteri socii tui fugerent ac se occultarent, ut hoc iudicium non de illorum praeda, sed de huius maleficio fieri videretur, potissimum tibi partes istas depoposcisse, ut in iudicio versarere et sederes cum accusatore? | Qua in re nihil aliud adsequeris, nisi ut ab omnibus mortalibus audacia tua cognoscatur et impudentia. 96. Occiso Sex. Roscio quis primus Ameriam nuntiat? Mallius Glaucia, quem iam antea nominavi,

tuus cliens et familiaris. Quid attinuit eum potissimum 34
nuntiare, quod, si nullum iam ante consilium de morte ac
de bonis eius inieras nullamque societatem neque sceleris
neque praemii cum homine ullo coieras, ad te minime
omnium pertinebat? "Sua sponte Mallius nuntiat." 20
Quid, quaeso, eius intererat? An, cum Ameriam non
huiusce rei causa venisset, casu accidit, ut id, quod Romae
audierat, primus nuntiaret? Cuius rei causa venerat
Ameriam? "Non possum" inquit "divinare." Eo rem
iam adducam, ut nihil divinatione opus sit. Qua ratione 25
T. Roscio Capitoni primum nuntiavit? Cum Ameriae
Sex. Roscii domus, uxor liberique essent, cum tot propinqui
cognatique optime convenientes, qua ratione factum est, ut
iste tuus cliens, sceleris tui nuntius, T. Roscio Capitoni
potissimum nuntiaret? 97. Occisus est a cena rediens; 30
nondum lucebat, cum Ameriae scitum est. Quid hic
incredibilis cursus, quid haec tanta celeritas festinatioque
significat? Non quaero, quis percusserit. Nihil est,
Glaucia, quod metuas; non excutio te, si quid forte ferri
habuisti, non scrutor, nihil ad me arbitror pertinere; 35
quoniam cuius consilio occisus sit invenio, cuius manu sit
percussus non laboro. Unum hoc sumo, quod mihi aper-
tum tuum scelus resque manifesta dat: ubi aut unde
audivit Glaucia? Qui tam cito scivit? Fac audisse
statim; quae res eum nocte una tantum itineris conten- 40
dere coegit? Quae necessitas eum tanta premebat ut, si
sua sponte iter Ameriam faceret, id temporis Roma profi-
cisceretur, nullam partem noctis requiesceret?

98. Etiamne in tam perspicuis rebus argumentatio 35
quaerenda aut coniectura capienda est? Nonne vobis
haec, quae audistis, cernere oculis videmini, iudices? Non
illum miserum, ignarum casus sui redeuntem a cena
videtis? Non positas insidias? Non impetum repenti- 5
num? Non versatur ante oculos vobis in caede Glaucia?
Non adest iste T. Roscius? Non suis manibus in curru

35 collocat Automedontem illum, sui sceleris acerbissimi nefariaeque victoriae nuntium? Non orat, ut eam noctem pervigilet? Ut honoris sui causa laboret? Ut Capitoni quam primum nuntiet? 99. Quid erat quod Capitonem primum scire voluerit? Nescio; nisi hoc video, Capitonem in his bonis esse socium; de tribus et decem fundis tres nobilissimos fundos eum video possidere. 100. Audio praeterea non hanc suspicionem nunc primum in Capitonem conferri; multas esse infames eius palmas, hanc primam esse tamen lemniscatam, quae Roma ei deferatur; nullum modum esse hominis occidendi, quo ille non aliquot occiderit, multos ferro, multos veneno. Habeo etiam dicere, quem contra morem maiorum minorem annis sexaginta de ponte in Tiberim deiecerit. Quae, si prodierit atque adeo cum prodierit — scio enim proditurum esse —, audiet. 101. Veniat modo; explicet suum volumen illud, quod ei planum facere possum Erucium conscripsisse; quod aiunt illum Sex. Roscio intentasse et minitatum esse se omnia illa pro testimonio esse dicturum. O praeclarum testem, iudices! O gravitatem dignam exspectatione! O vitam honestam atque eius modi, ut libentibus animis ad eius testimonium vestrum ius iurandum accommodetis! Profecto non tam perspicue nos istorum maleficia videremus, nisi ipsos caecos redderet cupiditas et avaritia et audacia.

36 102. Alter ex ipsa caede volucrem nuntium Ameriam ad socium atque ad magistrum suum misit, ut, si dissimulare omnes cuperent se scire, ad quem maleficium pertineret, tamen ipse apertum suum scelus ante omnium oculos poneret. Alter, si dis immortalibus placet, testimonium etiam in Sex. Roscium dicturus est. Quasi vero id nunc agatur, utrum is quod dixerit credendum, ac non quod fecerit vindicandum sit. Itaque more maiorum comparatum est, ut in minimis rebus homines amplissimi testimonium de sua re non dicerent. 103.* Africanus, qui suo cognomine declarat tertiam partem orbis terrarum se subegisse,

tamen, si sua res ageretur, testimonium non diceret—nam 36
illud in talem virum non audeo dicere: si diceret, non
crederetur—. Videte, nunc quam versa et mutata in
peiorem partem sint omnia. Cum de bonis et de caede 15
agatur, testimonium dicturus est is, qui et sector est et
sicarius, hoc est qui et illorum ipsorum bonorum, de
quibus agitur, emptor atque possessor est et eum homi-
nem occidendum curavit, de cuius morte quaeritur.
104. Quid? Tu, vir optime, ecquid habes quod dicas? 20
Mihi ausculta: vide, ne tibi desis; tua quoque res per-
magna agitur. Multa scelerate, multa audaciter, multa
improbe fecisti; unum stultissime, profecto tua sponte, N.B.
non de Erucii sententia: nihil opus fuit te istic sedere;
neque enim accusatore muto neque teste quisquam utitur 25
eo, qui de accusatoris subsellio surgit. Huc accedit, quod
paulo tamen occultior atque tectior vestra ista cupiditas
esset. Nunc quid est quod quisquam ex vobis audire
desideret, cum quae facitis eius modi sint, ut ea dedita
opera a nobis contra vosmet ipsos facere videamini? 30

105. Age nunc illa videamus, iudices, quae statim con- 37
secuta sunt. Ad Volaterras in castra L. Sullae mors Sex.
Roscii quadriduo, quo is occisus est, Chrysogono nuntiatur.
Quaeritur etiam nunc, quis eum nuntium miserit?
Nonne perspicuum est eundem qui Ameriam? Curat 5
Chrysogonus, ut eius bona veneant statim; qui non norat
hominem aut rem. At qui ei venit in mentem praedia
concupiscere hominis ignoti, quem omnino numquam
viderat? Soletis, cum aliquid huiusce modi audistis,
iudices, continuo dicere: "Necesse est aliquem dixisse 10
municipem aut vicinum; ii plerumque indicant, per eos
plerique produntur." 106. Hic nihil est quod suspicionem
hoc putetis. Non enim ego ita disputabo: "Veri simile
est Roscios istam rem ad Chrysogonum detulisse; erat
enim iis cum Chrysogono iam antea amicitia; nam cum 15
multos veteres a maioribus Roscii patronos hospitesque

haberent, omnes eos colere atque observare destiterunt ac se in Chrysogoni fidem et clientelam contulerunt." 107. Haec possum omnia vere dicere, sed in hac causa coniectura nihil opus est; ipsos certo scio non negare ad haec bona Chrysogonum accessisse impulsu suo. Si eum, qui indicii partem acceperit, oculis cernetis, poteritisne dubitare, iudices, quis indicarit? Qui sunt igitur in istis bonis, quibus partem Chrysogonus dederit? Duo Roscii. Num quisnam praeterea? Nemo est, iudices. Num ergo dubium est, quin ii obtulerint hanc praedam Chrysogono, qui ab eo partem praedae tulerunt?

108. Age nunc ex ipsius Chrysogoni iudicio Rosciorum factum consideremus. Si nihil in ista pugna Roscii quod operae pretium esset fecerant, quam ob causam a Chrysogono tantis praemiis donabantur? Si nihil aliud fecerunt nisi rem detulerunt, nonne satis fuit iis gratias agi? Denique, ut perliberaliter ageretur, honoris aliquid haberi? Cur tria praedia tantae pecuniae statim Capitoni dantur? Cur quae reliqua sunt iste T. Roscius omnia cum Chrysogono communiter possidet? Nonne perspicuum est, iudices, has mantubias Rosciis Chrysogonum re cognita concessisse?

38 109. Venit in decem primis legatus in castra Capito. Totam vitam, naturam moresque hominis ex ipsa legatione cognoscite. Nisi intellexeritis, iudices, nullum esse officium, nullum ius tam sanctum atque integrum, quod non eius scelus atque perfidia violarit et imminuerit, virum optimum esse eum iudicatote. 110. Impedimento est, quominus de his rebus Sulla doceatur; ceterorum legatorum consilia et voluntatem Chrysogono enuntiat; Monet ut provideat, ne palam res agatur; ostendit, si sublata sit venditio bonorum, illum pecuniam grandem amissurum, sese capitis periculum aditurum; illum acuere, hos, qui simul erant missi, fallere; illum identidem monere ut caveret, hisce insidiose spem falsam

ostendere; cum illo contra hos inire consilia, horum consilia illi enuntiare; cum illo partem suam depecisci, hisce aliqua ficta mora semper omnes aditus ad Sullam intercludere; postremo isto hortatore, auctore, intercessore ad Sullam legati non adierunt; istius fide ac potius perfidia decepti, id quod ex ipsis cognoscere poteritis, si accusator voluerit testimonium iis denuntiare, pro re certa spem falsam domum rettulerunt. 111. In privatis rebus si qui rem mandatam non modo malitiosius gessisset sui quaestus aut commodi causa, verum etiam neglegentius, eum maiores summum admisisse dedecus existimabant. Itaque mandati constitutum est iudicium, non minus turpe quam furti, credo propterea quod, quibus in rebus ipsi interesse non possumus, in his operae nostrae vicaria fides amicorum supponitur; quam qui laedit, oppugnat omnium commune praesidium et, quantum in ipso est, disturbat vitae societatem. Non enim possumus omnia per nos agere; alius in alia est re magis utilis. Idcirco amicitiae comparantur, ut commune commodum mutuis officiis gubernetur. 112. Quid recipis mandatum, si aut neglecturus aut ad tuum commodum conversurus es? Cur mihi te offers ac meis commodis officio simulato officis et obstas? Recede de medio; per alium transigam. Suscipis onus officii, quod te putas sustinere posse; quod minime videtur grave iis, qui minime ipsi leves sunt.

Ergo idcirco turpis haec culpa est, quod duas res sanctissimas violat, amicitiam et fidem. Nam neque mandat quisquam fere nisi amico, neque credit nisi ei, quem fidelem putat. Perditissimi est igitur hominis simul et amicitiam dissolvere et fallere eum, qui laesus non esset, nisi credidisset. 113. Itane est? In minimis rebus qui mandatum neglexerit, turpissimo iudicio condemnetur necesse est; in re tanta, cum is, cui fama mortui, fortunae vivi commendatae sunt atque concreditae, ignominia mortuum, egestate vivum adfecerit, is inter honestos homines

39 atque adeo inter vivos numerabitur? In minimis privatisque rebus etiam neglegentia in crimen mandati iudicumque infamia rei vocatur, propterea quod, si recte fiat, illum neglegere oporteat qui mandarit, non illum qui mandatum receperit; in re tanta, quae publice gesta atque commissa sit, qui non neglegentia privatum aliquod commodum laeserit, sed perfidia legationis ipsius caerimoniam polluerit maculaque afficerit, qua is tandem poena adficietur aut quo iudicio damnabitur? 114. Si hanc ei rem privatim Sex. Roscius mandavisset, ut cum Chrysogono transigeret atque decideret inque eam rem fidem suam, si quid opus esse putaret, interponeret, illeque sese facturum recepisset: nonne, si ex eo negotio tantulum in rem suam convertisset, damnatus per arbitrum et rem restitueret et honestatem omnem amitteret? 115. Nunc non hanc ei rem Sex. Roscius mandavit, sed, id quod multo gravius est, ipse Sex. Roscius cum fama, vita bonisque omnibus a decurionibus publice T. Roscio mandatus est; et ex eo T. Roscius non paulum nescio quid in rem suam convertit, sed hunc funditus evertit bonis, ipse tria praedia sibi depectus est, voluntatem decurionum ac municipum omnium tantidem quanti fidem suam fecit. 116. Videte iam porro cetera, iudices, ut intellegatis fingi maleficium nullum posse, quo iste sese non contaminarit. In rebus minoribus socium fallere turpissimum est aequeque turpe atque illud, de quo ante dixi; neque iniuria, propterea quod auxilium sibi se putat adiunxisse, qui cum altero rem communicavit. Ad cuius igitur fidem confugiet, cum per eius fidem laeditur, cui se commiserit? Atque ea sunt animadvertenda peccata maxime, quae difficillime praecaventur. Tecti esse ad alienos possumus; intimi multa apertiora videant necesse est; socium cavere qui possumus? Quem etiam si metuimus, ius officii laedimus. Recte igitur maiores eum, qui socium fefellisset, in virorum bonorum numero non putarunt haberi oportere.

117. At vero T. Roscius non unum rei pecuniariae socium fefellit (quod, tametsi grave est, tamen aliquo modo posse ferri videtur) verum novem homines honestissimos, eiusdem muneris, legationis, officii mandatorumque socios induxit, decepit, destituit, adversariis tradidit, omni fraude et perfidia fefellit; qui de eius scelere suspicari nihil potuerunt, socium officii metuere non debuerunt, eius malitiam non viderunt, orationi vanae crediderunt. Itaque nunc illi homines honestissimi propter istius insidias parum putantur cauti providique fuisse; iste, qui initio proditor fuit, deinde perfuga, qui primo sociorum consilia adversariis enuntiavit, deinde societatem cum ipsis adversariis coiit, terret etiam nos ac minatur tribus praediis, hoc est praemiis sceleris, ornatus. In eius modi vita, iudices, in his tot tantisque flagitiis hoc quoque maleficium, de quo iudicium est, reperietis. 118. Etenim quaerere ita debetis: ubi multa avare, multa audacter, multa improbe, multa perfidiose facta videbitis, ibi scelus quoque latere inter illa tot flagitia putatote. Tametsi hoc quidem minime latet, quod ita promptum et propositum est, ut non ex illis maleficiis, quae in illo constat esse, hoc intellegatur, verum ex hoc etiam, si quod illorum forte dubitabitur, convincatur. Quid tandem, quaeso, iudices? Num aut ille lanista omnino iam a gladio recessisse videtur aut hic discipulus magistro tantulum de arte concedere? Par est avaritia, similis improbitas, eadem impudentia, gemina audacia.

119. Etenim quoniam fidem magistri cognostis, cognoscite nunc discipuli aequitatem. Dixi iam antea saepe numero postulatos esse ab istis duos servos in quaestionem. Tu semper, T. Rosci, recusasti. Quaero abs te: iine qui postulabant indigni erant qui impetrarent? An is te non commovebat, pro quo postulabant? An res ipsa tibi iniqua videbatur? Postulabant homines nobilissimi atque integerrimi nostrae civitatis, quos iam antea nominavi:

41 qui ita vixerunt talesque a populo Romano putantur, ut, quidquid dicerent, nemo esset qui non aequum putaret. Postulabant autem pro homine miserrimo atque infelicissimo, qui vel ipse sese in cruciatum dari cuperet, dum de patris morte quaereretur. 120. Res porro abs te eius modi postulabatur, ut nihil interesset, utrum eam rem recusares an de maleficio confiterere. Quae cum ita sint, quaero abs te, quam ob causam recusaris. Cum occiditur Sex. Roscius, ibidem fuerunt. Servos ipsos, quod ad me attinet, neque arguo neque purgo: quod a vobis oppugnari video, ne in quaestionem dentur, suspiciosum est; quod vero apud vos ipsos in honore tanto sunt, profecto necesse est sciant aliquid, quod si dixerint, perniciosum vobis futurum sit. "In dominos quaeri de servis iniquum est." At nec quaeritur in vos: Sex. enim Roscius reus est; neque in dominum, cum de hoc quaeritur: vos enim dominos esse dicitis. "Cum Chrysogono sunt." Ita, credo: litteris eorum et urbanitate Chrysogonus ducitur, ut inter suos omnium deliciarum atque omnium artium pueruli ex tot elegantissimis familiis lectos velit hos versari, homines paene operarios, ex Amerina disciplina patris familiae rusticani. 121. Non ita est profecto, iudices; non est veri simile, ut Chrysogonus horum litteras adamarit aut humanitatem, non ut rei familiaris negotio diligentiam cognorit eorum et fidem. Est quiddam, quod occultatur; quod quo studiosius ab istis opprimitur, et absconditur, eo magis eminet et apparet.

42 122. Quid igitur? Chrysogonus suine maleficii occultandi causa quaestionem de iis haberi non vult? Minime, iudices; non in omnes arbitror omnia convenire. Ego in Chrysogono, quod ad me attinet, nihil eius modi suspicor; neque hoc mihi nunc primum in mentem venit dicere. Meministis me ita distribuisse initio causam: in crimen, cuius tota argumentatio perfissa Erucio est, et in audaciam, cuius partes Rosciis impositae sunt. Quicquid

maleficii, sceleris, caedis erit, proprium id Rosciorum esse debebit. Nimiam gratiam potentiamque Chrysogoni dicimus et nobis obstare et perferri nullo modo posse et a vobis, quoniam potestas data est, non modo infirmari, verum etiam vindicari oportere. 123. Ego sic existimo: qui quaeri velit ex iis, quos constat, cum caedes facta sit, adfuisse, eum cupere verum inveniri; qui id recuset, eum profecto, tametsi verbo non audeat, tamen re ipsa de maleficio suo confiteri. Dixi initio, iudices, nolle me plura de istorum scelere dicere, quam causa postularet ac necessitas ipsa cogeret. Nam et multae res adferri possunt et una quaeque earum multis cum argumentis dici potest; verum ego, quod invitus ac necessario facio, neque diu neque diligenter facere possum. Quae praeteriri nullo modo poterant, ea leviter, iudices, attigi; quae posita sunt in suspicionibus (de quibus si coepero dicere, pluribus verbis sit disserendum), ea vestris ingeniis coniecturaeque committo.

124. Venio nunc ad illud nomen aureum Chrysogoni, sub quo nomine tota societas latuit; de quo, iudices, neque quo modo dicam neque quo modo taceam, reperire possum. Si enim taceo, vel maximam partem relinquo; sin autem dico, vereor ne non ille solus, id quod ad me nihil attinet, sed alii quoque plures laesos se esse putent. Tametsi ita se res habet, ut mihi in communem causam sectorum dicendum nihil magno opere videatur; haec enim causa nova profecto et singularis est. 125. Bonorum Sex. Roscii emptor est Chrysogonus. Primum hoc videamus: eius hominis bona qua ratione venierunt aut quo modo venire potuerunt? Atque hoc non ita quaeram, iudices, ut id dicam esse indignum, hominis innocentis bona venisse. Si enim haec audientur ac libere dicentur, non fuit tantus homo Sex. Roscius in civitate, ut de eo potissimum conqueramur. Verum ego hoc quaero: qui potuerunt ista ipsa lege, quae de proscriptione est, sive Valeria est sive Cornelia

43 —non enim novi nec scio—, verum ista ipsa lege bona Sex. Roscii venire qui potuerunt? 126. Scriptum enim
20 ita dicunt esse: UT AUT EORUM BONA VENEANT QUI PROSCRIPTI SUNT; quo in numero Sex. Roscius non est; AUT EORUM QUI IN ADVERSARIORUM PRAESIDIIS OCCISI SUNT. Dum praesidia ulla fuerunt, in Sullae praesidiis fuit; posteaquam ab armis recesserunt, in summo otio, rediens
25 a cena Romae occisus est. Si lege, bona quoque lege venisse fateor; sin autem constat contra omnes non modo veteres leges, verum etiam novas occisum esse, bona quo iure aut quo modo aut qua lege venierint, quaero.
44 127. In quem hoc dicam, quaeris, Eruci? Non in eum, quem vis et putas; nam Sullam et oratio mea ab initio et ipsius eximia virtus omni tempore purgavit. Ego haec omnia Chrysogonum fecisse dico, ut mentiretur, ut malum
5 civem Sex. Roscium fuisse fingeret, ut eum apud adversarios occisum esse diceret, ut his de rebus a legatis Amerinorum doceri L. Sullam passus non sit. Denique etiam illud suspicor, omnino haec bona non venisse; id quod postea, si per vos, iudices, licitum erit, aperietur.
10 128. Opinor enim esse in lege, quam ad diem proscriptiones venditionesque fiant, nimirum KALENDAS IUNIAS. Aliquot post menses et homo occisus est et bona venisse dicuntur. Profecto aut haec bona in tabulas publicas nulla redierunt nosque ab isto nebulone facetius eludimur quam putamus,
15 aut, si redierunt, tabulae publicae corruptae aliqua ratione sunt; nam lege quidem bona venire non potuisse constat. Intellego me ante tempus, iudices, haec scrutari et propemodum errare, qui, cum capiti Sex. Roscii mederi debeam, reluviam curem. Non enim laborat de pecunia, non ullius
20 rationem sui commodi ducit; facile egestatem suam se laturum putat, si hac indigna suspicione et ficto crimine liberatus sit. 129. Verum quaeso a vobis, iudices, ut haec pauca, quae restant, ita audiatis, ut partim me dicere pro me ipso putetis, partim pro Sex. Roscio. Quae enim mihi

ipsi indigna et intolerabilia videntur quaeque ad omnes, 44
nisi providemus, arbitror pertinere, ea pro me ipso ex animi 26
mei sensu ad dolore pronuntio; quae ad huius vitae casum
causamque pertinent, et quid hic pro se dici velit et qua
condicione contentus sit, iam in extrema oratione nostra,
iudices, audietis.

130. Ego haec a Chrysogono mea sponte, remoto Sex. 45
Roscio, quaero: primum quare civis optimi bona venierint;
deinde quare hominis eius, qui neque proscriptus neque
apud adversarios occisus est, bona venierint, cum in eos
solos lex scripta sit; deinde quare aliquanto post eam diem 5
venierint, quae dies in lege praefinita est; denique cur
tantulo venierint. Quae omnia si, quem ad modum solent
liberti nequam et improbi facere, in patronum suum
voluerit conferre, nihil egerit; nemo est enim qui nesciat
propter magnitudinem rerum multa multos partim invito, 10
partim imprudente L. Sulla commisisse. 131. Placet
igitur in his rebus aliquid imprudentia praeteriri? Non
placet, iudices, sed necesse est. Etenim si Iuppiter
optimus maximus, cuius nutu et arbitrio coelum, terra,
mariaque reguntur, saepe ventis vehementioribus aut im- 15
moderatis tempestatibus aut nimio calore aut intolerabili
frigore hominibus nocuit, urbes delevit, fruges perdidit,
quorum nihil pernicii causa divino consilio, sed vi ipsa et
magnitudine rerum factum putamus, at contra commoda
quibus utimur, lucemque qua fruimur, spiritumque quem 20
ducimus, ab eo nobis dari atque impertiri videmus, quid
miramur, iudices, L. Sullam, cum solus rem publicam
regeret orbemque terrarum gubernaret imperiique maiesta-
tem, quam armis receperat, legibus confirmaret, aliqua
animadvertere non potuisse? nisi hoc mirum est, quod vis 25
divina adsequi non possit, si id mens humana adepta non
sit. 132. Verum ut haec missa faciam, quae iam facta
sunt, ex iis, quae nunc cum maxime fiunt, nonne quivis
potest intellegere omnium architectum et machinatorem

unum esse Chrysogonum? Qui Sex. Roscii nomen defe-
31 rendum curavit, cuius honoris causa accusare se dixit
Erucius . . .

[*desunt non pauca*]

46 aptam et ratione dispositam se habere existimant,
qui in Sallentinis aut in Bruttiis habent, unde vix ter in
anno audire nuntium possunt.

133. Alter tibi descendit de Palatio ex aedibus suis;
habet animi causa rus amoenum et suburbanum, plura
praeterea praedia neque tamen ullum nisi praeclarum et
propinquum; domus referta vasis Corinthiis et Deliacis,
in quibus est authepsa illa, quam tanto pretio nuper
mercatus est, ut, qui praetereuntes praeconem enuntiare
audiebant, fundum venire arbitrarentur. Quid praeterea
caelati argenti, quid stragulae vestis, quid pictarum tabu-
larum, quid signorum, quid marmoris apud illum putatis
esse? tantum scilicet, quantum e multis splendidisque
familiis in turba et rapinis coacervari una in domo potuit.

134. Familiam vero quantam et quam variis cum artificiis
habeat, quid ego dicam? Mitto hasce artes vulgares,
coquos, pistores, lecticarios; animi et aurium causa tot
homines habet, ut cottidiano cantu vocum et nervorum et
tibiarum nocturnisque conviciis tota vicinitas personet.
In hac vita, iudices, quos sumptus cottidianos, quas
effusiones fieri putatis? Quae vero convivia? Honesta,
credo in eius modi domo, si domus haec habenda est
potius quam officina nequitiae ac deversorium flagitiorum
omnium. 135. Ipse vero quem ad modum composito et
delibuto capillo passim per forum volitet cum magna
caterva togatorum, videtis, iudices, videtis ut omnes
despiciat, ut hominem prae se neminem putet, ut se solum
beatum, solum potentem putet. Quae vero efficiat et
quae conetur, si velim commemorare, vereor, iudices, ne
quis imperitior existimet me causam nobilitatis victoriae-
amque voluisse laedere. Tametsi meo iure possum, si

quid in hac parte mihi non placeat, vituperare; non 46
enim vereor, ne quis alienum me animum habuisse a causa
nobilitatis existimet.

136. Sciunt ii, qui me norunt, pro mea tenui infirmaque 47
parte, posteaquam id, quod maxime volui, fieri non potuit,
ut componeretur, id maxime defendisse, ut ii vincerent,
qui vicerunt. Quis enim erat, qui non videret humili-
tatem cum dignitate de amplitudine contendere? Quo 5
in certamine perditi civis erat non se ad eos iungere,
quibus incolumibus et domi dignitas et foris auctoritas
retineretur. Quae perfecta esse et suum cuique honorem
et gradum redditum gaudeo, iudices, vehementerque laetor,
eaque omnia deorum voluntate, studio populi Romani, con- 10
silio et imperio et felicitate L. Sullae gesta esse intellego.
137. Quod animadversum est in eos, qui contra omni
ratione pugnarunt, non debeo reprehendere; quod viris
fortibus, quorum opera eximia in rebus gerendis exstitit,
honos habitus est, laudo. Quae ut fierent, ideirco pug- 15
natum esse arbitror, neque in eo studio partium fuisse
confiteor. Sin autem id actum est et idcirco arma sumpta
sunt, ut homines postremi pecuniis alienis locupletarentur
et in fortunas unius cuiusque impetum facerent, et id
non modo re prohibere non licet, sed ne verbis quidem 20
vituperare, tum vero isto bello non recreatus neque resti-
tutus, sed subactus oppressusque populus Romanus est.
Verum longe aliter est; nihil horum est, iudices. 138.
Non modo non laedetur causa nobilitatis, si istis hominibus
resistetis, verum etiam ornabitur. 25

Etenim qui haec vituperare volunt, Chrysogonum tan- 48
tum posse queruntur; qui laudare volunt, concessum ei
non esse commemorant. Ac iam nihil est, quod quis-
quam aut tam stultus aut tam improbus sit qui dicat:
"Vellem quidem liceret: hoc dixissem." Dicas licet. 5
"Hoc fecissem." Facias licet; nemo prohibet. "Hoc
decrevissem." Decerne, modo recte; omnes approbabunt.

48 "Hoc iudicassem." Laudabunt omnes, si recte et ordine iudicaris. 139. Dum necesse erat resque ipsa cogebat, unus omnia poterat; qui posteaquam magistratus creavit legesque constituit, sua cuique procuratio auctoritasque est restituta. Quam si retinere volunt ii, qui recuperarunt, in perpetuum poterunt obtinere; sin has caedes et rapinas et hos tantos tamque profusos sumptus aut facient aut approbabunt—nolo in eos gravius quicquam ne ominis quidem causa dicere, unum hoc dico: nostri isti nobiles, nisi vigilantes et boni et fortes et misericordes erunt, iis hominibus, in quibus haec erunt, ornamenta sua concedant necesse est. 140. Quapropter desinant aliquando dicere, male aliquem locutum esse, si qui vere ac libere locutus sit; desinant suam causam cum Chrysogono communicare; desinant, si ille laesus sit, de se aliquid detractum arbitrari; videant, ne turpe miserumque sit eos, qui equestrem splendorem pati non potuerunt, servi nequissimi dominationem ferre posse. Quae quidem dominatio, iudices, in aliis rebus antea versabatur; nunc vero quam viam munitet, quod iter adfectet, videtis; ad fidem, ad ius iurandum, ad iudicia vestra, ad id quod solum prope in civitate sincerum sanctumque restat. 141. Hicne etiam sese putat aliquid posse Chrysogonus? Hicne etiam potens esse vult? O rem miseram atque acerbam! neque mehercules hoc indigne fero, quod verear ne quid possit, verum quod ausus est, quod speravit sese apud tales viros aliquid posse ad perniciem innocentis, id ipsum queror.

49 Idcircone experrecta nobilitas armis atque ferro rem publicam recuperavit, ut ad libidinem suam liberti servulique nobilium bona, fortunas arasque nostras vexare possent? 142. Si id actum est, fateor me errasse qui hoc maluerim, fateor insanisse qui cum illis senserim; tametsi inermis, iudices, sensi. Sin autem victoria nobilium ornamento atque emolumento rei publicae populoque Romano

debet esse, tum vero optimo et nobilissimo cuique meam 49
orationem gratissimam esse oportet. Quodsi quis est qui
et se et causam laedi putet, cum Chrysogonus vituperetur, 10
is causam ignorat, se ipsum probe novit; causa enim
splendidior fiet, si nequissimo cuique resistetur: ille impro-
bissimus Chrysogoni fautor, qui sibi cum illo rationem
communicatam putat, cum laeditur, ab hoc splendore
causae separatur. 15

143. Verum haec omnis oratio, ut iam ante dixi, mea
est, qua me uti res publica et dolor meus et istorum in-
iuria coegit. Sex. Roscius horum nihil indignum putat,
neminem accusat, nihil de suo patrimonio queritur. Putat
homo imperitus morum, agricola et rusticus, ista omnia, 20
quae vos per Sullam gesta esse dicitis, more, lege, iure
gentium facta; culpa liberatus et crimine nefario solutus
cupit a vobis discedere; 144. si hac indigna suspicione
careat, animo aequo se carere suis omnibus commodis dicit.
Rogat oratque te, Chrysogone, si nihil de patris fortunis 25
amplissimis in suam rem convertit, si nulla in re te frau-
davit, si tibi optima fide sua omnia concessit, adnumeravit,
appendit, si vestitum, quo ipse tectus erat, anulumque de
digito suum tibi tradidit, si ex omnibus rebus se ipsum
nudum neque praeterea quicquam excepit, ut sibi per te 30
liceat innocenti amicorum opibus vitam in egestate degere.

145. Praedia mea tu possides, ego aliena misericordia 50
vivo; concedo, et quod animus aequus est et quia necesse
est. Mea domus tibi patet, mihi clausa est; fero. Familia
mea maxima tu uteris, ego servum habeo nullum; patior
et ferendum puto. Quid vis amplius? Quid insequeris? 5
Quid oppugnas? Qua in re tuam voluntatem laedi a me
putas? Ubi tuis commodis officio? Quid tibi obsto? Si
spoliorum causa vis hominem occidere, spoliasti; quid
quaeris amplius? Si inimicitiarum, quae sunt tibi
inimicitiae cum eo, cuius ante praedia possedisti quam 10
ipsum cognovisti? Si metus, ab eone aliquid metuis,

50 quem vides ipsum ab se tam atrocem iniuriam propulsare
non posse? Sin, quod bona, quae Sex. Roscii fuerunt,
tua facta sunt, idcirco hunc illius filium studes perdere,
15 nonne ostendis id te vereri, quod praeter ceteros tu metuere
non debeas, ne quando liberis proscriptorum bona patria
reddantur? 146. Facis iniuriam, Chrysogone, si maiorem
spem emptionis tuae in huius exitio ponis quam in iis
rebus, quas L. Sulla gessit. Quodsi tibi causa nulla est,
20 cur hunc miserum tanta calamitate adfici velis; si tibi
omnia sua praeter animam tradidit nec sibi quicquam
paternum ne monumenti quidem causa clam reservavit, per
deos immortales, quae ista tanta crudelitas est? Quae
tam fera immanisque natura? Quis umquam praedo fuit
25 tam nefarius, quis pirata tam barbarus, ut, cum integram
praedam sine sanguine habere posset, cruenta spolia detra-
here mallet? 147. Scis hunc nihil habere, nihil audere,
nihil posse, nihil umquam contra rem tuam cogitasse, et
tamen oppugnas eum, quem neque metuere potes neque
30 odisse debes nec quicquam iam habere reliqui vides, quod
ei detrahere possis, nisi hoc indignum putas, quod vestitum
sedere in iudicio vides, quem tu e patrimonio tamquam e
naufragio nudum expulisti. Quasi vero nescias hunc et
ali et vestiri a Caecilia,* Balearici filia,† Nepotis sorore,
35 spectatissima femina, quae cum patrem clarissimum,
amplissimos patruos, ornatissimum fratrem haberet, tamen,
cum esset mulier, virtute perfecit, ut, quanto honore ipsa
ex illorum dignitate adficeretur, non minora illis ornamenta
ex sua laude redderet.

51 148. An quod diligenter defenditur, id tibi indignum
facinus videtur? Mihi crede, si pro patris huius hospitiis
et gratia vellent omnes huic hospites adesse et auderent
libere defendere, satis copiose defenderetur; sin autem pro
5 magnitudine iniuriae proque eo, quod summa res publica
in huius periculo tentatur, haec omnes vindicarent, con-
sistere mehercule vobis isto in loco non liceret. Nunc ita

* Quintus Caecilius Metellus who in 123 B.C. by his occupation and colonization of the Balearic Isles, gained the agnomen Baleāricus.

† Quintus Metellus Nepos Consul in 98 B.C. and one of the two proposers of the lex Caecilia Didia of that year a law designed to prevent hasty legislation and the combination of different measures in a single bill.

defenditur, non sane ut moleste ferre adversarii debeant 51
neque ut se potentia superari putent. 149. Quae domi
gerenda sunt, ea per Caeciliam transiguntur; fori iudiciique
rationem M. Messala, ut videtis, iudices, suscepit; qui si
iam satis aetatis ac roboris haberet, ipse pro Sex. Roscio
diceret; quoniam ad dicendum impedimento est aetas et
pudor, qui ornat aetatem, causam mihi tradidit, quem sua
causa cupere ac debere intellegebat, ipse adsiduitate, con-
silio, auctoritate, diligentia perfecit, ut Sex. Roscii vita
erepta de manibus sectorum sententiis iudicum permitteretur. Nimirum, iudices, pro hac nobilitate pars maxima
civitatis in armis fuit; haec acta res est, ut ii nobiles
restituerentur in civitatem, qui hoc facerent, quod facere
Messalam videtis, qui caput innocentis defenderent, qui
iniuriae resisterent, qui quantum possent in salute alterius
quam in exitio mallent ostendere: quod si omnes, qui
eodem loco nati sunt, facerent, et res publica ex illis et
ipsi ex invidia minus laborarent.

150. Verum si a Chrysogono, iudices, non impetramus, 52
ut pecunia nostra contentus sit, vitam ne petat, si ille
adduci non potest, ut, cum ademerit nobis omnia, quae
nostra erant propria, ne lucem quoque hanc, quae com-
munis est, eripere cupiat, si non satis habet avaritiam
suam pecunia explere, nisi etiam crudelitati sanguis prae-
bitus sit, unum perfugium, iudices, una spes reliqua est
Sex. Roscio, eadem quae rei publicae, vestra pristina
bonitas et misericordia. Quae si manet, salvi etiam nunc
esse possumus; sin ea crudelitas, quae hoc tempore in re
publica versata est, vestros quoque animos—id quod fieri
profecto non potest—duriores acerbioresque reddit, actum
est, iudices; inter feras satius est aetatem degere quam in
hac tanta immanitate versari. 151. Ad eamne rem vos
reservati estis, ad eamne rem delecti, ut eos condemnaretis,
quos sectores ac sicarii iugulare non potuissent? Solent
hoc boni imperatores facere, cum proelium committunt, ut

52 in eo loco, quo fugam hostium fore arbitrentur, milites collocent, in quos, si qui ex acie fugerint, de improviso incidant. Nimirum similiter arbitrantur isti bonorum emptores vos hic, tales viros, sedere qui excipiatis eos, qui de suis manibus effugerint. Di prohibeant, iudices, ne hoc, quod maiores consilium publicum vocari voluerunt, praesidium sectorum existimetur! 152. An vero, iudices, vos non intellegitis nihil aliud agi, nisi ut proscriptorum liberi quavis ratione tollantur, et eius rei initium in vestro iure iurando atque in Sex. Roscii periculo quaeri? Dubium est ad quem maleficium pertineat, cum videatis ex altera parte sectorem, inimicum, sicarium eundemque accusatorem hoc tempore, ex altera parte egentem, probatum suis filium, in quo non modo culpa nulla, sed ne suspicio quidem potuit consistere? Numquid hic aliud videtis obstare Sex. Roscio, nisi quod patris bona venierunt?

53 153. Quodsi id vos suscipitis et eam ad rem operam vestram profitemini, si idcirco sedetis, ut ad vos adducantur eorum liberi, quorum bona venierunt, cavete, per deos immortales, iudices, ne nova et multo crudelior per vos proscriptio instaurata esse videatur. Illam priorem, quae facta est in eos, qui arma capere potuerunt, tamen senatus suscipere noluit, ne quid acrius, quam more maiorum comparatum est, publico consilio factum videretur; hanc vero, quae ad eorum liberos atque ad infantium puerorum incunabula pertinet, nisi hoc iudicio a vobis reicitis et aspernamini, videte, per deos immortales, quem in locum rem publicam perventuram putetis.

154. Homines sapientes et ista auctoritate et potestate praeditos, qua vos estis, ex quibus rebus maxime res publica laborat, iis maxime mederi convenit. Vestrum nemo est, quin intellegat populum Romanum, qui quondam in hostes lenissimus existimabatur, hoc tempore domestica crudelitate laborare. Hanc tollite ex civitate, iudices, hanc

pati nolite diutius in hac re publica versari; quae non 53
modo id habet in se mali, quod tot cives atrocissime 20
sustulit, verum etiam hominibus lenissimis ademit miseri-
cordiam consuetudine incommodorum. Nam cum omnibus
horis aliquid atrociter fieri videmus aut audimus, etiam qui
natura mitissimi sumus, adsiduitate molestiarum sensum
omnem humanitatis ex animis amittimus. 25

This speech made 81-80 BC.
murder of Sextus Roscius 81 B.C.

NOTES.

N.B.—Important *proper names* of which no mention is made in the Notes will be found either in the *Index* or in the *Introduction*.
An obelus (†) prefixed to a word denotes that the text is doubtful.
The references are to chapters and lines, *e.g.* **13**, 2 means Ch. 13, line 2.

I., §§ 1-4. ARGUMENT.—*I come forward to undertake the cause of Sex. Roscius, though so many eminent men are afraid to do so, because I am so young and inexperienced that what I say will not be made public to the same extent as the words of more illustrious advocates; and also because I owe a debt of gratitude to those who have so earnestly asked me to appear for him.*

Ch. I.—1. **iudices**: the jury, composed of senators, in the *quaestio de sicariis et veneficis* established by Sulla in 81 B.C. See Introduction, § 7. **sit**: subjunctive in indirect question. **quod**: adverbial accusative. *Quid sit quod* is equivalent to *quid sit ut ob id*, with a consecutive subjunctive (*surrexerim*); *quid sit quod* = "what is the reason that."

3. **ingenio**: "ability as a speaker."

4. **sim**: subjunctive in concessive relative clause: "though I am not," etc. **sedeant**: subjunctive by assimilation to *sim.* The defendant was accompanied into court by his friends and relatives, and also by influential men who acted as his advisers (*advocati*) and supported him by their presence.

5. **iniuriam . . . defendi**: lit. "that a wrong be repelled," *i.e.* "that defence be made against a wrong." **novo scelere**: "by unprecedented wickedness."

6. **conflatam**: "kindled," hence "occasioned."

7. **propter iniquitatem temporum**: see Introd., § 2.

8. **adsint**: consecutive subjunctive. **propterea, quod**: "for this reason that . . ."; *sequuntur* is indicative because it states the reason as a *fact.*

9. **quid ergo?**: this expression introduces a question which the speaker answers himself, and one which he rejects as having no foundation in fact.

10. **tanto**: ablative of degree of difference, lit. "by so much."

11. **ne istius quidem**: *ne quidem* = "not even," with the emphasised word between *ne* and *quidem*. **aliis**: dative of indirect object after *praereptam*, a verb of taking away.

12. **praereptam**: note the perfect, "to wish to have it snatched away."

13. **quia si quis . . .**: there are four contrasted clauses, the first two depending on *quia*, the last two on *quod*, and all four giving the answer to *quae res . . . impulit?* The four clauses are *quia . . . putaretur*; *ego . . . poterit*; *deinde quod . . . prudentiam*; *ego . . . poterit.*

15. **verbum**: "a single word." **re publica**: "political events." The defenders of Roscius would have been forced to allude to the proscriptions, and this might have given offence to Sulla. See Introd., § 3.

16. **dixisset**: subjunctive in "sub-dependence" on the infinitive *dixisse*, itself depending on *putaretur.*

17. **si**: = *etiamsi.*

18. **nequaquam . . . poterit**: allusions made by distinguished men to political events would, when disseminated, be liable to misinterpretation and distortion; but no importance would attach to those made by one who was young and comparatively unknown.

21. **temere**: with *dicto*, "a careless remark." **concedi**: sc. *potest.*

23. **nondum ad rempublicam accessi**: "I have not yet entered on public life," *i.e.* held a State office. Cicero was at this time (80 B.C.) in his twenty-seventh year, and he could not hold even the lowest magistracy (the quaestorship) till he was thirty. As a matter of fact, he became quaestor five years later (75 B.C.), when he was in his thirty-second year.

24. **tametsi**, etc.: a bold allusion to the Sullan proscriptions, when thousands were put to death without a trial. **ignoscendi ratio**: "the old method of lenient judgment"; the periphrasis with the gerund is used here because there is no verbal noun from *ignosco*, and the point of the reference to *ignosci* (line 23) would be lost if the word for "pardon" were unconnected with *ignosco.*

25. **cognoscendi consuetudo**: "the habit of careful investigation." *Cognoscendi* refers to *cognitio*, the technical expression for the investigation (usually extraordinary) of a crime by a magistrate.

27. **petitum sit**: subjunctive (in an indirect question) after *forsitan*, = *fors sit an*, "there would be a chance whether," *i.e.* "perchance." It is really a double question with the first part suppressed (*an* does not merely = *num*), "it is a chance whether [it may happen otherwise, or more probably] others may have . . ." **ut . . . ut**: the first *ut* introduces a dependent command, the second (corresponding to *ita*) a consecutive clause. **dicerent**: sc. *causam.* **utrumvis**: "one or the other," *i.e.* to undertake the defence or to decline it. **salvo officio**: ablative of attendant circumstances, "without any breach of obligation."

28. **ii**: the *homines nobilissimi* of line 2.

29. **plurimum**: accusative denoting the extent of the action of *possunt*.

30. **ignorare**: here "to disregard"; its usual meaning is "to be ignorant of."

32. †**debebam**: "I was in duty bound"; as usual, an historic tense of *debeo* is constructed with a *present* infinitive. *Debebam* is an almost certain conjecture for the reading of the MSS., *debeam*.

II., §§ 5-7. ARGUMENT.—*The reason why so many eminent men have been deterred from undertaking this defence rests with Chrysogonus; he has seized the property of Sextus Roscius, and does not think he will be able to keep secure possession of it unless the defendant has been first got out of the way.*

[Consult the Index for **Sulla, Chrysogonus.**]

Ch. II.—1. patronus: "pleader," "counsel," to be distinguished from the *advocatus*, who was merely an adviser. The accused usually had four *patroni*, but in this trial he had only one.

3. **possem**: consecutive subjunctive in a relative clause, lit. "being a man of such a kind that I could."

4. **defensus**: sc. *esset*. **uti ne**: practically = *ne*; *uti* is added to balance *uti* in line 3, and to give a positive rather than a negative effect to the clause.

6. **sit**: subjunctive in an indirect question.

7. **impediat**: consecutive subjunctive.

8. **capite et fortunis**: the *caput* was properly the legal status or personality of a Roman, and included the rights of citizenship and of freedom as well as the right to live. As a rule the *quaestiones* could not inflict the death penalty, so that the highest *deminutio capitis* possible would be loss of citizenship by voluntary exile. Under the Cornelian law the ancient death penalty of the "sack" was retained, but only where the accused confessed his guilt. Thus it would seem that Roscius was fighting for his rights as a citizen, not for his property (which was already lost, there being no question of restitution); the addition of *fortunis* is merely due to the fact that *caput et fortunae* was a hackneyed expression: loss of property was a usual accompaniment of loss of status, but in this case the meaning of *fortunae* is not to be pressed. See Introd., § 8.

9. **quod adhuc vos ignorare**: subject of *mirum est; quod*, "this circumstance," is object of *ignorare*.

10. **accusatoribus**: there was only one recognised accuser, Erucius; Cicero, in using the plural, wishes to emphasise the fact that the part played by Erucius, a professional accuser of bad character, was merely nominal, and that he had been employed by others. **eius rei**: were afraid of losing the property of the murdered Roscius, and therefore made no mention of the fact that it was in their hands.

12. **huiusce**: *-ce* is deictic; "this man here," *i.e.* "my client." **sexagiens**: sc. *centenis milibus sestertium*, *milibus* being the instrumental ablative denoting value. In expressing hundreds of thousands of *sestertii*, if the amount was not less than one million the words *centena milia* were omitted, and the number of hundreds of thousands was denoted by an adverbial numeral. As 1000 *sestertii* traditionally = £8 10s., 60 × 100,000 (or 6,000,000) *sestertii* = £51,000. These English equivalents must be regarded as only very roughly correct, as the value of silver and the purchasing power of money, on which the calculation depends, are not constant quantities.

13. **de viro clarissimo et fortissimo, L. Sulla**: for Sulla see Introd., § 2, and Index. After his victory at the Colline Gate (82 B.C.) Sulla had lists of his enemies posted up in the Forum. Those who had been thus "proscribed" were declared to be public enemies, and their property was confiscated and sold by the Dictator as representative of the State. **quem honoris causa nomino**: "whom I mention with all respect." This formula was used in the case of persons of rank or importance who were still living, and who might not care for their names to be mentioned in connection with the matter under discussion. Cicero of course did not wish to offend the all-powerful Dictator.

14. **duobus milibus**: ablative of price. **nummum**: genitive plural, = *sestertiorum*. 2,000 *sestertii* = £17.

15. **vel**: serves here to weaken the force of *potentissimus*, to which it belongs, the words being used almost in a contemptuous sense, "the most powerful, or nearly so." **civitatis**: partitive genitive with *potentissimus*.

16. **L. Cornelius Chrysogonus**: see Introd., § 3. Chrysogonus, at the time of his manumission by Sulla, would receive the praenomen (Lucius) and the nomen (Cornelius) of his patron. The name Chrysogonus, being placed at the end of the period, is emphatic by position; by this means Cicero produced a "sensation in court," as no one expected that he would venture to mention the powerful freedman.

17. **pecuniam**: = *patrimonium* (line 21)—"property," as often.

18. **nullo iure**: ablative of attendant circumstances. **invaserit**: subjunctive of reported cause. Cicero ironically represents Chrysogonus himself as giving this as the reason for his demand. So also *videatur* in the next line.

21. **hoc . . . huius**: these words refer to the same person (Roscius); *hoc incolumi* is ablative of attendant circumstances; through being separated from the main clause it gains in significance and is contrasted more effectively with *damnato et eiecto* (a similar ablative).

22. **eiecto**: sc. *e civitate*; Roscius, if he saw that he was likely to be condemned, could forestall the death penalty by voluntary exile.

23. **sperat se posse**: *spero* usually takes the accusative and future infinitive; here *posse effundere* is practically equivalent to a future.

adeptus est: in a clause dependent on an accusative and infinitive phrase the subjunctive is regularly used; here the indicative is preferred, as the clause expresses an independent declaration of fact.

24. **sibi**: in a dependent command *se* refers regularly to the subject of the principal sentence.

25. **qui se . . . pungit**: in a dependent clause with the verb in the indicative *se* usually refers to the subject of its own clause; here the reference is to the subject of the principal verb (*postulat*), and therefore *eum* would be more regular; but by the use of *se* the relative clause is made to appear as an integral part of the main clause (= *se stimulantem ac pungentem*). Examples of this use of *se* for *eum* are rare in Cicero; they occur mainly in his earlier works, and are found only when no ambiguity can arise. The irregularity is really in the mood of *stimulat*, which, as *se* shows, should represent the *thought* of Chrysogonus and so be in the subjunctive. The expression is a compendium of the two—*eum stimulat* and *se stimulet*. **ut evellatis . . . ut . . . profiteamini**: the first *ut* introduces a final clause (dependent command); the second *ut* introduces a consecutive clause, denoting the result of the action expressed by *ut evellatis*.

29. **quo modo**: this use of *quo modo* for *ut* ("as") in a parenthetical clause is rare in Cicero, and found only in his earlier orations and in his letters.

III., §§ 7, 8. ARGUMENT.—*I call upon you to resist the injustice of these wicked men; for, since the charge is quite without foundation, to condemn an innocent man would be unworthy of your dignity and your reputation as upright judges.*

Ch. III.—2. nostris: the advocate here makes his client's cause his own.

5. **quod in omnes intenditur**: the blow is one which is aimed at the whole State, if confidence in the courts of justice is destroyed.

6. **causa criminis . . . facti suspicio**: "grounds for an accusation . . . reasons for suspecting guilt." The genitives are objective. **vel**: intensifies the meaning of *minima*; contrast 2, 15 above.

7. **non nihil tamen**: "at least something," "at least some kind of motive"; *nihil* is object of *secuti*.

8. **in deferendo nomine**: "in giving notice of the accusation." The first stage in a trial before a *quaestio perpetua* was a request (*postulatio*) to the president (*i.e.* praetor or *iudex quaestionis*) for permission to bring the charge. After this came the *nominis delatio*, a more definite information as to the charge, with the object of specifying the personality of the accused and the offence alleged against him. The president then interrogated the accused, and drew up an *inscriptio* or statement of the charge. When this had been drawn up, the president formally admitted the charge (*nominis receptio*) and the name of the accused was entered in the list of *rei*

(defendants). **secuti**: sc. *esse*; in the sense of following a clue, "to have allowed themselves to be guided by."

9. **quicquam**: used instead of *quid* or *quidquid*, as the conditional clause is quasi-negative, "if you have found anything *at all*" (not "anything you like"), with the implication that they will *not* find anything. **causae**: partitive genitive, depending on *quicquam*.

10. **inveneritis**: its action is looked on as antecedent to that of *recusamus*; in *si . . . reperietur* there is a general reference to the future ("if there shall be found"), but no definite dependence on the time of the verb in the apodosis. **libidini**: "caprice."

11. **ut . . . ne**: see note on 2, 4.

12. **si hoc solum . . . pugnatur**: "if this is the sole object of contention"; *hoc* is accusative denoting the extent of the action of *pugnatur*, an intransitive verb used impersonally in the passive; lit. "it is being fought as regards this."

15. **indigna**: sc. *sunt*. **vos . . . habitos**: subject of *indignissimum est*.

16. **sententias iusque iurandum**: "your votes given on oath." This is an example of hendiadys ("one thing through two"), a construction in which two words co-ordinated are used instead of an expression, forming a single idea, in which one qualifies the other grammatically. **adsequantur**: subjunctive in consecutive relative clause; *per quorum sententias* = *ut per vestras sententias*. The present is used instead of the imperfect, as *habitos* represents a present perfect.

18. **qui ex civitate in senatum propter dignitatem**: those who had held curule office (*i.e.* who had been consuls, praetors, censors, or curule aediles) became senators after their year of office. By Sulla's constitution ex-quaestors also became senators. All these magistrates were elected by the people, so that the people indirectly elected the senators. Sulla had also filled up the ranks of the Senate by allowing the Tribal Assembly of the People (*comitia tributa*) to elect 300 equites as senators.

19. **ex senatu in hoc consilium delecti estis propter severitatem**: the *iudices* for particular cases were selected by lot from the division (*decuria*) assigned by the praetor. It is thus difficult to explain *delecti . . . propter severitatem*. *Severitas* in any case means "upright character" rather than "severity." It is probable that the praetor drew up the annual register of jurymen (*album iudicum*) by making a selection from the whole body of the senators, and that these selected jurymen were divided, either by lot or by selection, into *decuriae*; from one of the latter (assigned by the praetor according to its precedence on the list) the *iudices* for each particular case were chosen by lot. See also Introd., § 7.

20. **postulare homines sicarios atque gladiatores**: sc. *nonne indignissimum est* from line 15. *Homines sicarios* is used in a contemptuous sense: "fellows who are assassins," etc.

23. **spoliis**: instrumental ablative with *ornati auctique*.

IV., §§ 9-11. ARGUMENT.—*The burden of the defence is one that is almost too great for my powers; but I will carry it through to the end, if only I can rely on your attention and sympathy.*

[Consult the Index for **Fannius.**]

Ch. IV.—2. **commode**: "tactfully." **graviter**: "forcibly," so as to make an impression on the minds of the jury.

4. **impedimento**: predicative dative; with this the three other datives are constructed as indirect objects.

5. **natura pudorque**: hendiadys (see note on **3, 16**), "natural modesty."

8. **bona cum venia**: "with favourable indulgence," "with kindly forbearance."

10. **oneris**: partitive genitive with *plus*.

11. **adlevabitis**: *i.e.* by sympathetic attention.

12. **non spero**: "I do not expect." It is only in negative clauses that Cicero uses *spero* of unfavourable occurrences.

13. **animo**: ablative of respect.

14. **perferam**: "I will carry through to the end"; this meaning is not common in classical prose.

15. **officii**: subjective genitive ("the burden my duty imposes"). **cum fide**: "with confidence" in my powers.

18. **M. Fanni**: see Introd., § 7.

19. **cum huic eidem quaestioni iudex praeesses**: *i.e.* as *iudex quaestionis* in place of the praetors, since there were not enough praetors to suffice for the presidency of all the courts. If the occasion here referred to was before the *Lex Cornelia* of 81 B.C. (as seems likely from **5, 5**), Fannius would probably have been president of a special commission established by the people (cp. *populo Romano*) for the trial of some particular murder case, since there seems to have been no permanent *quaestio inter sicarios* before the *Lex Cornelia* of 81 B.C. But if, as is improbable (see next note), the reference is to a time *after* the passing of the *Lex Cornelia* of 81 B.C., Fannius must have presided as ordinary *iudex quaestionis* in the murder court established by Sulla. See Introd., § 7.

V., §§ 11-14. ARGUMENT.—*There are further reasons why you should show yourselves severe judges in this trial; the people expect it, and the consequences of a lenient verdict may be disastrous. Think of the position of the accusers and that of the defendant. I will now set before you the history of the case.*

Ch. V.—4. **longo intervallo iudicium inter sicarios hoc primum committitur**: the *Lex Cornelia de sicariis et veneficis*, by which was established the *quaestio perpetua*, or standing court, for the trial of assassination, poisoning, and arson (including the crime of *parricidium*, with which Roscius was charged), was passed in 81 B.C., and the present trial seems to have been the first one that took place

under the Cornelian law. There had been no regular trials for murder during the Civil War and the Sullan proscriptions. It is doubtful whether any permanent *quaestio inter sicarios* was established until 81 B.C. (cp. 4, 19, n.). Before this date, special commissions were appointed by the people to try cases of murder. **longo intervallo**: ablative of attendant circumstances; lit. "the interval being long," "after a long interval." **inter sicarios**: the crime of *parricidium* was embodied in the *Lex Cornelia de sicariis et veneficis*, which established a *quaestio* for cases of assassination, poisoning, and arson. The functions of the court were divided between the praetor to whom the particular court had been assigned by lot and *iudices quaestionis*, who were, in the case of the murder court, probably appointed by the people. There was in Latin no single word for the crime of "murder" or "assassination." Since the expressions *sicae deferre* and *de sica deferre* were not practicable, the phrase for a charge of assassination was *ita deferre ut nomen alicuius inter sicarios referatur*, which was abbreviated into *inter sicarios deferre*; hence the *quaestio* concerned was known as *quaestio inter sicarios* as well as *quaestio de sicariis*. **committitur**: "is being held."

6. **factae sint**: most editions have the indicative (the regular mood after *cum interea*), but the subjunctive is preferable here, since *interea* does not refer to the time of *committitur* but to *longo intervallo; cum* = "although," "and yet," not "at the time when."

7. **†vindicationem sui**: this is a recent emendation for the meaningless *demissuis* or *dimissui* of the MSS. Other emendations are *dignissimam* (Madvig), *sanguini remedium esse* (Landgraf). *Vindicationem sui* here means "their defence" or "their deliverance."

8. **vociferatione**: "loud appeal."

10. **causam dicimus**: "make our defence"; *causam dicere* is applicable both to the advocate and the defendant. Cicero here makes his client's case his own by using an expression common to both.

13. **sit**: subjunctive in indirect question depending on *ostendetis*.

14. **ostendetis**: vividly used for *ostendatis*, the regular subjunctive in indirect speech depending on *cogitetis*. **eo**: the correlative is *ut* (line 15), "to this extent, that." **prorumpere**: "seeks to burst its bounds"; the future might have been expected.

16. **in foro, ante tribunal . . . inter pedes vestros . . . inter ipsa subsellia**: criminal trials took place in the Forum, under the open sky. Here on a raised platform (*tribunal*) was the chair of office (*sella curulis*) of the praetor or the *iudex quaestionis*, and around it the benches (*subsellia*) of the *iudices* and clerks of the court (*scribae*); lower down (*ante pedes vestros*), on the ground in front of the tribunal, were the benches for the two parties to the suit, their advocates, and their witnesses. There was also an outer ring (*corona*) of listeners interested in the case.

20. **causam dicit**: see note on line 10 above. Cicero here again makes his client's case his own.

21. **quibus occidi patrem Sex. Roscii bono fuit**: "to whom the murder of Sextus Roscius' father was an advantage." *quibus* is dative of indirect object accompanying the predicative dative *bono*, the two forming a "double dative," lit. "to whom it was for an advantage:" *occidi patrem Sex. Roscii* is subject of *fuit*, and *patrem Sex. Roscii* is subject of *occidi*.

23. **hunc ipsum**: *i.e.* the son as well as the father.

25. **cum praesidio**: *i.e.* his relatives and *advocati*. See note on 1, 4.

27. **poscit**: sc. *in iudicium*; *i.e.* the people are eager to see them stand their trial and suffer condign punishment for their crimes. **relictus**: "superfluous," as *restat* = "is left."

29. **quae facta sunt**: the short relative clause expresses a simple definition; hence the verb is in the indicative instead of the subjunctive, although the clause is dependent on an accusative and infinitive phrase.

31. **quo facilius**: *quo* (not *ut*) is the regular final conjunction when the clause introduced by it contains a comparative adverb; it is really a (neuter) ablative of the measure of difference.

VI., §§ 15-17. ARGUMENT.—*Sextus Roscius, the defendant's father, was a noble and wealthy citizen of Ameria, and a staunch adherent of the aristocratic party, with some of the most distinguished families of which he had formed the closest ties. He had a long-standing feud with his two kinsmen, the Titi Roscii of Ameria, men of bad character.*

[Consult the Index for **Ameria**.]

Ch. VI.—1. **municeps**: a burgess of a *municipium* or *praefectura*, possessing originally the *civitas sine suffragio*, *i.e.* the private but not the public rights of Roman citizenship. After the Social War (91-88 B.C.) all *municipia* obtained full citizen rights and became country towns of Roman citizens. Each *municipium* had local independence, with magistrates and a Senate of its own. The Senate of Ameria consisted of one hundred members, divided into ten *decuriae*; hence the Senators were called *decuriones*. At their head were the *decem primi* mentioned below (9, 11).

2. **cum**: *not* a preposition governing *genere*, but an adverb, corresponding to *tum* in line 3; *cum . . . tum* = "both . . . and." **genere**: ablative of respect. **municipii**: partitive genitive with *primus*.

3. **gratia . . . hospitiis**: ablatives of respect with *florens*, a word expressing plenty. The tie of *hospitium* (guest-friendship) was a very important feature of Roman life. Those connected by this tie (which was hereditary) were received into one another's households and enjoyed all the privileges possessed by members of such households; in fact the *hospitium* supplied the want of inns. Cicero implies that a man who was a friend and associate of families

like that of the Metelli (intimately connected with Sulla) would not be included in the lists of the proscribed.

6. **quas . . . familias**: strictly speaking only the *Metelli* and the *Scipiones* were *familiae*, the former belonging to the plebeian *Caecilia gens*, the latter to the patrician *Cornelia gens*; the *Servilii* were a patrician *gens*, not a *familia*. But in Cicero's time there was no clear line of demarcation between a *gens* and a *familia*, and this fact was reflected in common speech.

7. **honestatis . . . gratia nomino**: see note on 2, 13.

8. **itaque**: "and so."

9. **domestici**: "belonging to his own family" (*domus*).

11. **hic**: "he, of whom I am speaking," *i.e.* the elder Roscius.

12. **fuisset**: subjunctive in a causal clause, which expresses in general terms the reason for Roscius' action in the special case (*tum hoc tumultu*, etc.). **hoc tumultu proximo**: *tumultus* was strictly speaking any sudden outbreak or "disturbance" in or near Italy which caused panic and confusion in Rome. Here the reference is to the Civil War between Sulla and the democratic party under the younger Marius (83-82 B.C.); see Introd., § 2.

15. **opera . . . studio . . . auctoritate**: "activity . . . inclination . . . influence on others."

16. **propter quos**: "to whom he owed it that."

17. **numerabatur**: indicative in a clause dependent on an accusative and infinitive phrase; the subjunctive would here be more regular, but Cicero wishes to emphasise the actual fact rather than to give the thought of Roscius.

18. **proscriberentur**: see Introd., § 2.

19. **caperentur**: = *comprehenderentur*.

20. **frequens**: adverbial = *frequenter*, "constantly."

21. **magis**: with *exsultare*. **ut . . . videretur**: "so that he appeared," subjunctive in consecutive clause.

23. **calamitatis**: partitive genitive with *quid*. **inimicitiae**: "feuds." For the facts see Introd., § 3.

24. **in accusatorum subselliis**: since Roscius supported the prosecution the evidence he wished to give would necessarily be biassed. For *subsellia* see 5, 17, note.

26. **possidere audio**: see Introd., § 3.

27. **neque . . . iniuria**: "and not without grounds." The ablative *iniuria* (the converse of *iure*) is practically an adverb, and so does not need *cum* or an epithet, as the ordinary ablative of manner does.

29. **Capitoni**: a name is often attracted to agree in case with the dative substantive or pronoun (here *alteri*) denoting the person to whom the name is given.

30. **eius modi**: "of the following character." **palmarum**: genitive of quality with *gladiator*.

31. **vetus et nobilis gladiator**: secondary predicate. **nobilis**: a standing epithet of those who excel in any art or accomplishment.

32. **lanistam . . . tiro**: when gladiators, after winning many

victories (*palmae*), had served their time and been discharged, they kept a school of arms (*ludus*) and as trainers (*lanistae* or *magistri*) instructed novices (*tirones*) in the use of arms. **hanc pugnam**: *i.e.* the murder of Roscius.

33. **quod sciam**: "so far as I know," the subjunctive is consecutive in a relative clause, restricting a general assertion.

VII., §§ 18-20. ARGUMENT.—*Sextus Roscius was murdered at Rome as he was returning from a dinner-party, and the news of the murder was carried post-haste to Titus Roscius Capito at Ameria by a client of Titus Roscius Magnus. A few days after, news of the deed was brought to Chrysogonus, and a conspiracy was formed.*

[Consult the Index for **Volaterrae.**]

Ch. VII.—1. **hic**: "my client," so in line 2, and *hunc* in line 8.

2. **cum hic . . . Romae esset**: these parenthetical statements serve to strengthen the plea of an *alibi* set up by the accused, and to leave the impression on the minds of the jury that Titus Roscius Magnus was at Rome on the day of the murder, though no proof of the allegation was forthcoming. **iste**: *i.e.* T. Roscius Magnus.

5. **ad balneas Pallacinas**: near the Circus Flaminius, a little to the N.W. of the Capitol.

6. **spero . . . non esse**: *spero* generally takes the future infinitive, but the present is also found. **ex hoc ipso**: *i.e.* the absence from Rome of Sextus and the presence at Rome of Magnus; *hoc* is neuter.

8. **hunc . . . iudicatote**: "in that case you may set my client down as"; the future imperative is used regularly in laws and treaties, since it refers to time following, or to some particular case that may occur. Some consider that here, and in other places where it appears in this speech, the future imperative has a permissive sense, "I give you leave to set my client down as."

9. **culpae**: may be either (objective) genitive or dative (of the indirect object).

10. **Ameriam**: accusative of goal of motion with *nuntiat*, here constructed like a verb of motion; no preposition is used, as *Ameria* is the name of a town. **nuntiat**: the object is *occisum esse Roscium*, to be supplied from the ablative of attendant circumstances *occiso Roscio* (line 9).

12. **domum**: see note on *Ameriam*, line 10. **post horam primam noctis**: "an hour after nightfall." The Romans divided the day into 12 hours, counting from sunrise to sunset, and the night into 12 hours, counting from sunset to sunrise; the hours of the day and night varied in length according to the season of the year.

14. **nocturnis**: since Cicero is drawing attention to the speed of the messenger, the addition of this word shows that the hours were short and the season therefore summer. **sex et quinquaginta milia passuum**: 51½ English miles; *passuum* is partitive genitive.

15. **cisiis**: the *cisium* was a light, two-wheeled Gallic "cabriolet"; the plural shows that the vehicles were changed at each posting-house.

18. **quadriduo**: ablative of time within which, "within four days." **quo**: = *a die quo*, "from the day on which," (locative) ablative of time.

19. **Volaterras**: accusative of the goal of motion without a preposition, as the goal is expressed by the name of a town; but even in this case a preposition may be used with a slightly different sense: cp. *ad Volaterras* in 36, 32, n. English idiom requires "in the camp *at* Volaterrae."

21. **fundos**: = *praedia*; a *fundus* was properly *ager cum aedificio*.

22. **Tiberim . . . tangunt**: they were probably situated near *Horta* (Orte), where the Nar flows into the Tiber.

24. **splendidus**: "magnificent," a word often applied to a Roman *eques*. **gratiosus**: "popular."

25. **sit occisus**: perfect subjunctive depending on the primary tense *demonstrant*; *cum* (= since) would even in the direct speech take the subjunctive.

26. **de medio tolli posse**: "could be got out of the way."

27. **teneam**: final subjunctive expressing the purpose, not of the action of the principal verb (*coitur*), but of the mention of that action ("I mention at once that . . . in order that I may not . . ."). *Teneam* is here used without *vos*, with an apparently absolute force.

28. **societas**: "a conspiracy," between the two Titi Roscii and Chrysogonus.

VIII., §§ 21-23. ARGUMENT.—*The name of Sextus Roscius was put upon the proscription list and his goods sold to Chrysogonus,—all without the knowledge of Sulla; and my client was turned out of house and home by Titus Roscius.*

Ch. VIII.—1. **proscriptionis**: see Introd., § 2. The proscription lists closed on June 1st, 81 B.C. **fieret . . . redirent . . . arbitrarentur**: subjunctives in concessive clauses (*cum* = "although"). The verbs are in the imperfect, since they are dependent on the historic present *refertur*.

3. **in tabulas**: sc. *proscriptionis*, "on the proscription list"; the result of his being proscribed was that all his property was confiscated to the State.

4. **veneunt**: the property was sold by public auction (*sub hasta*) by the quaestors in the Forum.

5. **vel**: "perhaps," modifying *nobilissima*; cp. 2, 15, n.

6. **propria**: secondary predicate, "as his own."

7. **nomine Chrysogoni**: as his agent (*procurator*).

8. **impetum facit**: "swoops," a strong expression for *occupat*, since in the eyes of the speaker the measure was a violent one. **haec bona . . . nummum**: probably an interpolation from 2, 12 and 14.

10. **imprudente**: = *insciente*.

12. **quae praeterita sunt**: see note on 5, 29. **†recreet**: there is a word missing in all MSS. between *sunt* and *et*. Most editors fill up the blank by *sanet*, "is healing" (the wounds of the State), or *recreet*, "is repairing" (the injuries done in the past).

13. **pacis constituendae**: the reference is to the reform of the constitution by Sulla as Dictator (81-79 B.C.); see Introd., § 2.

16. **distentus**: "distracted."

17. **animadvertat**: subjunctive in reported condition, depending on *mirum*. **occupationem**: "a time when he is busy."

18. **tempus**: "an opportunity."

20. **felix**: "fortunate"; Sulla assumed the name "Felix" after the death of the younger Marius (82 B.C.). **tanta felicitate**: ablative of description.

21. **familia**: "household of slaves."

22. **libertum**: a freedman was called *libertus* with regard to his master, and *libertinus* with regard to his status.

26. **iusta solvisset**: "had paid the last rites." The corpse lay for seven days in state on a *lectus funebris*; the burial (*funus, exsequiae*) took place on the eighth day; on the ninth day the ceremonies ended with a sacrifice to the dead and a funeral feast (*novendialia*). **nudum**: a hyperbolical expression for *omnibus bonis spoliatum*. **domo . . . focis patriis . . . dis penatibus**: ablatives of separation with *eicit* (a verb compounded with *ex*). No preposition is used with *dis*, because, by metonymy, the person is used for the place.

28. **in sua re**: sc. *familiari*, "in the case of his own property." **fuisset**: potential, "would have been."

29. **ut fit**: "as generally happens."

31. **constituta auctione**: Chrysogonus got Magnus to sell by private auction the goods which he did not wish to keep.

IX., §§ 24-26. ARGUMENT.—*These proceedings caused great grief at Ameria, and an embassy of ten leading citizens was sent to Sulla to complain about them. But Chrysogonus took care that the envoys never saw Sulla, and put them off with delusive promises.*

Ch. IX.—5. **ne . . . quidem**: = "not even," with the emphasised word between *ne* and *quidem*. **iter ad sepulcrum**: the Romans built tombs on their own estates for themselves and their family. When an estate was sold a special clause was inserted in the deed of transfer (*lex praedii vendendi*) providing that the vendor should have free access to his family tomb (*sepulcrum patrium*). Such an encroachment as this on the right of property was called *servitus*. The young Roscius was, as the son of one of the proscribed, debarred from this privilege.

6. **reliquisset**: subjunctive of reported description after *ante oculos versabantur*.

7. **possessio**: "occupation."

8. **mallet**: consecutive subjunctive ("there was no one of such a nature as did not . . . ").

10. **decurionum . . . decem primi**: see note on 6, 1.

14. **famam**: "good name." **conservatas velit**: Cicero seems to prefer the perfect (with *esse* omitted) to the more regular present infinitive, on the ground of rhythm.

15. **decretum decurionum**: the decree is here read in court; Cicero did not include it in his speech as published.

19. **qui peterent**: some editions have *ab iis* before *peterent*, which gives no satisfactory sense.

20. **vellent**: representing the present indicative of direct speech.

22. **mallet**: subjunctive in consecutive clause.

23. **antiqui**: "of the old stamp." **fingerent**: subjunctive in causal relative clause; "since they formed a conception of," etc.

24. **de tabulis**: sc. *proscriptionis*.

25. **vacua**: "as without an owner," the Roscii giving up their claim and departing.

27. **re inorata**: "without having stated their case"; *oro* originally meant "to speak," and this usage is retained here, and also in the phrases *orare causam*, *orator* (properly a "speaker," not a "pleader"), and in *ars orandi* (= *ars dicendi*).

29. **aliquanto lentius**: sc. *agentes*, "then proceeding in a more leisurely way they began to do nothing and to trifle with him."

X., §§ 27-29.—*Sextus Roscius then fled for refuge to the house of Caecilia at Rome, who protected him from his enemies. The latter then resolved to accuse him of parricide, thinking that he would have no advocates, owing to the power of Chrysogonus.*

Ch. X.—3. †**Nepotis sororem, Balearici filiam**: the MSS. give *Nepotis filiam*, but this Caecilia was daughter of Metellus Balearicus, and *sister* of Metellus Nepos. See 50, 34-36, and the notes there. **honoris causa**: see note on 2, 13.

4. **usus erat**: sc. *familiariter*.

6. **exempli causa**: "to serve as a pattern"; our "for example" is *ut* or *velut* in Latin.

9. **hospiti**: *i.e.* bound to her by ties of *hospitium*; see on 6, 5.

10. **diligentia**: = *cura*, *vigilantia*.

11. **in reos . . . in proscriptos**: brachylogy for *in reorum album*, *in proscriptorum tabulas*.

15. **ut**: explanatory of *consilium*, with consecutive subjunctive. For *nomen deferre* see note on 3, 8.

16. **ad eam rem**: "for that purpose." **compararent**: sc. *pecunia*.

17. **subesset**: subjunctive in relative clause dependent on the subjunctive *posset*.

18. **poterant**: for the indicative, where the subjunctive might have been expected in dependence on *pugnarent*, see note on 6, 17. **tempore ipso**: "with the circumstances of the time as their ally" (instrumental ablative).

19. **ita loqui homines**: best regarded as accusative and infinitive, co-ordinate with *huic patronos defuturos* (line 21), *verbum esse facturum neminem* (line 23), and *fore* (line 24). These represent in *oratio obliqua* the reflexions of the Roscii, and give the motives which induced them to bring the charge of parricide against Sextus. The scope of the reference of *ita loqui homines* is confined to *quod iudicia . . . adductus esset.* Some take *loqui* as historic infinitive, but the words *huic autem . . . defensus esset*, as is proved by **11**, 13, form no part of what "people were saying"; and the transition to the actual thoughts of the Roscii (in *huic autem . . .*) would be very abrupt and awkward.

20. **condemnari oportere**: in order that the public confidence in the judicial courts, which had been shaken owing to their long cessation, might be again restored.

21. **adductus esset**: represents the future-perfect indicative of direct speech.

22. **gratiam**: "influence."

23. **de ista societate**: see **7**, 28. **ipso nomine**: "through the mere name."

26. **atque adeo**: = *vel potius*, and is therefore used to correct, not to intensify, *consilio.*

XI., §§ 29-32. ARGUMENT.—*These enemies of Roscius, not content with the murder of his father and the plunder of his property, have actually concocted this charge, thinking that no one would support him. But I at least am not afraid, and will utter freely and boldly everything that bears on the case.*

Ch. XI. — 1. **querar . . . ordiar . . . petam . . . implorem**: all deliberative subjunctives. **potissimum**: adverbial, "by preference."

2. **quod**: with *auxilium.*

6. **infesta**: in passive sense; "exposed to peril," "endangered."

7. **sceleris**: partitive genitive with *quid.*

8. **nefariis**: as a substantive, "atrocious acts."

10. **pecunia**: (instrumental) ablative of price.

11. **ut optet**: "that he may choose," "to choose"; whence *optio*, "choice"; *opto* in prose usually means "to desire," "to wish for." **cervices**: the singular is rare and poetical; hence the plural is here used, even though only one person is referred to. **T. Roscio**: *i.e.* T. Roscius Magnus, then present in court.

12. **insutus in culleum**: see Introd., § 8, and note on **2**, 8.

13. **desunt**: although, as may be gathered from **1**, 4 (see note), the defendant was accompanied into court by several distinguished men as *advocati*, yet we may infer from this passage that many friends did not venture to give him their support.

14. **dicat . . . defendat**: consecutive subjunctives.

16. **temere**: with *fecerim.* **fecerim**: subjunctive in dependent question.

17. **quoniam . . . semel**: "when once." **quidem**: adversative, "still." **hercules**: nominative; the full phrase is *mehercules*, which is short for *me Hercules adiuvet*. *Hercules* here belongs really to the main verbs *succurram and subibo*; in colloquial language the speaker often anticipates a word of asseveration.

20. **dicere . . . dicere**: infinitives used as subjects of *certum est deliberatumque*.

21. **tanta exsistet**: "will arise of such weight."

22. **vim mihi maiorem adhibere**: "to exercise more influence upon me"; *vim adhibere* = *vim adferre*.

23. **animo**: ablative of description.

24. **videat**: subjunctive in dependence on the consecutive subjunctive *possit*. **patrem meum . . . me . . . patrimonium meum**: Cicero here identifies himself with his client. The editors call this an instance of the figure of speech known as *prosopopoeia*, or "personification" (e.g. *crudelitatis mater avaritia est, pater furor*). But there is, strictly speaking, no personification here, *i.e.* nothing without life is here endowed with life.

29. **condemnetis**: "get him condemned"; *condemno* is often used of the accuser who brings about a condemnation.

XII., §§ 33-34. ARGUMENT.—*This shameful accusation resembles the case of Fimbria, who wounded that great man Q. Scaevola, and then brought an action against him because he had not quite succeeded in his attempt to kill him. In the same way you accuse Roscius because he escaped you when you tried to murder him.*

[Consult the Index for **Fimbria, Marius, Scaevola.**]

Ch. XII.—2. **nisi**: as though the sentence were negative (*quod nemo negat nisi ii qui*, etc.).

5. **vir sanctissimus**: since he was Pontifex Maximus.

7. **tamen**: sc. *etiamsi hic locus esset*.

8. **diem . . . dixit**: in the trials before the people (the *iudicia populi* which preceded the *iudicia publica* or *quaestiones perpetuae*) prosecutions were undertaken by tribunes or other magistrates, whose first step was, with the consent of the urban praetor, to name a day (*diem dicere*) for the Comitia to meet for the hearing of the case. **Scaevolae**: dative of "disadvantage."

9. **posse vivere**: "that he might possibly come off with his life." **quid**: accusative of the extent of the action of the verb (*accusaturus esset*), a variety of the accusative of the internal object; "what charge he meant to bring against that man," "what he was going to accuse that man of."

11. **ut erat furiosus**: "like a madman as he was"; for the indicative see note on 5, 14.

12. **telum . . . recepisset**: an expression from the gladiatorial combats. When a gladiator was defeated he was forced to receive the death-stroke without flinching when the spectators called out "*recipe ferrum*."

13. **quo**: sc. *dicto*. **vidit**: "has experienced."

15. **perdiderit . . . adflixerit**: the perfect subjunctive, though a primary tense, is often in consecutive clauses used (as equivalent to an aorist) in dependence on a historic principal verb. The perfect subjunctive thus used states an actual result rather than a natural consequence. **quos . . . ab eis**: *quos* refers to the whole citizen body, *ab iis* to a part only of that body, viz. the Marian faction. Scaevola, in trying to save citizens, fell a victim to the fury of citizens.

16. **estne**: = *nonne est*.

17. **hoc**: i.e. *quod nunc fit a Chrysogono* (see line 20).

19. **in Scaevola**: "in the case of a Scaevola."

22. **defensionis**: objective genitive with *indigeat*. **indigeat**: consecutive subjunctive. **locus**: "topic."

25. **quae res totum iudicium contineat**: "the motive of the whole case." **contineat**: subjunctive in an indirect question.

27. **sequi**: see note on 3, 8.

XIII., §§ 35-38. ARGUMENT.—*I will deal first with the actual charge brought by Erucius,—the dreadful charge of parricide, for which no punishment is severe enough. A man who would commit it must surely be a reckless villain. But you have never hinted that Roscius is one.*

Ch. XIII.—3. **accusator Erucius**: cp. *accusatorem veterem*, 10, 16. Erucius was a professional accuser for whom it was "all in the day's work" to fabricate a charge.

4. **audaciae**: genitive of definition or that in which a thing consists. **partes**: "the rôle."

5. **potentia**: (instrumental) ablative of means.

7. **quid igitur est?**: "how shall I proceed?" This refers to *dicere oportere intellego*. Cicero qualifies his general statement in the light of the actual facts of the case. **eodem modo**: *i.e.* with equal fulness. **de omnibus**: sc. *me dicere oportet*.

10. **diluam**: = *dissolvam, infirmem*; the subjunctive is jussive, in semi-dependence on *oportet*.

12. **primo quoque tempore**: "at the earliest opportunity"; "the sooner the better."

16. **complexa**: perfect participle of a deponent verb, used in a passive sense. **videantur**: subjunctive in consecutive relative clause; *quo* = *ut eo*.

17. **sapientibus**: "philosophers." **vultu**: "merely by a look."

18. **pietas**: *pietas* is "dutiful conduct," shown towards one's parents (as here), the gods, one's country (*pietas erga patriam* = "patriotism"), or one's dependents.

19. **mori ipsum**: = *mortem ipsam oppetere*, "to face death itself"; the infinitive is here used as a substantive.

20. **cogebant**: verbs implying duty, possibility, necessity, etc., are in the apodosis of conditional sentences used in a past tense of

the indicative, instead of in the imperfect or pluperfect subjunctive, since these verbs convey by their meaning a potential force. Here *cogebant* (instead of the regular *cogerent*) follows the analogy of *mori debebat*.

25. **qui in crimen vocetur**: "who is called to answer the charge." **vocetur**: subjunctive in consecutive relative clause.

26. **immanem naturam**: "the nature of a brute," as opposed to that of a man.

27. **ad perniciem profligata et perdita**: "reduced to an irretrievable condition of depravity," or "abandoned to depravity and lost." *Pernicies* here seems to have the unusual meaning of "depravity." It generally means "ruin."

29. **ne obiciendi quidem causa**: "not even with the view of casting unproven taunts at him."

XIV., §§ 39-41. ARGUMENT.—*Even his accusers acquit him of being one practised in murder, or of luxurious habits, or deeply in debt, or of an avaricious disposition. They say he did not please his father; but as the son had no vices, the father had no cause for displeasure.*

Ch. XIV.—1. qui: = *qualis*.

2. **nequam**: "good-for-nothing."

3. **annos natus maior quadraginta**: since *natus* is not itself capable of comparison, *natus maior* is used instead, and the number of years is either placed in the ablative, or left unchanged in the accusative of "time throughout which" with *natus* (as here).

6. **nimirum**: ironical, "of course." **aeris alieni**: lit. "another person's money," *i.e.* "debt."

8. **in convivio . . . interfuisse**: *interesse* ("to be present at") is commonly used with the dative.

9. **nihil . . . debuit**: "he owed no money," with reference to *aeris alieni multitudo* above (line 6).

11. **habitarit . . . vixerit**: subjunctives in consecutive relative clauses.

13. **tantum istum furorem . . . obiecit**: "dazzled him with such frenzy as that," "caused him to be infatuated with such frenzy as that."

15. **eam quoque**: *i.e.* as well as the cause which led him to kill his father.

16. **iustam**: "valid," "well-grounded."

19. **odio**: predicative dative, which is accompanied by the dative of indirect object *parenti*, the two forming a "double dative."

20. **eodem**: "to the same point," *i.e.* to a consideration of the son's personal character, for it was by reference to this alone that the statement *patri non placebat* could be proved.

21. **is**: emphatic; "that one," "he above all."

22. **displiceret**: in "sub-dependent" clauses, *i.e.* those depending on a subjunctive dependent clause, the sequence of tenses is so far

modified that a perfect subjunctive is usually followed, as here, by an imperfect or pluperfect subjunctive, even when the main verb (here *quaeramus*) is primary.

23. **odisset**: subjunctive in causal relative clause, "since he hated."

24. **constantissimus**: in opposition to *amens*. A man of firm character would not readily get beside himself (*amens*) or let himself be carried away without due cause (*sine causa*) by passion or hatred.

XV., §§ 42-45. *The accuser says that he knows for a fact that such hatred existed, because the father of Roscius sent him to his country farms. But Roscius had the honourable management of these farms, and was even allowed to hold some of them as his private property. The father did not "rusticate" him as a punishment, but gave him a position in the country out of desire for his welfare.*

Ch. XV.—4. praedia rustica: "country estates" as contrasted with *praedia urbana*, which were in the precincts of the town. **relegarat**: = *relegaverat*. *Relegare*, "to send away," implies a feeling of dislike towards that which is sent away; hence the derived meaning "to banish."

5. **usu venit**: = *accidit*.

9. **tam pulcra, tam fructuosa**: Ameria lay between the Tiber and the Nar, and even at the present day is distinguished for its cultivation of the vine and the olive; the estates were situated in part on the sunny slopes on the left bank of the Tiber above Horta (modern Orte).

10. **relegationis et supplicii**: a hendiadys, "the punishment of exile." The punishment of relegation differed from that of outlawry (*interdictio aquae et ignis*) in that it entailed no loss of civic rights. **colenda . . . tuenda**: gerundives used predicatively in agreement with the direct object (*praedia*) of a transitive verb (*tradiderat*) to express an action purposed to be done on this object.

12. **illius ordinis**: that of *rustici Romani*, landed proprietors who managed their own estates.

13. **municipiis**: see note on 6, 1. **rusticanis**: *i.e.* engaged in agriculture.

14. **servire**: here used in a good sense; "to devote themselves to."

16. **ut esset in agro**: there are cases in Roman history of fathers "rusticating" sons who were out of their element in the social life of the capital.

17. **aleretur**: like a watch-dog. **ad villam**: "on the estate," colloquial for *in villa*.

19. **fundis**: instrumental ablative with *frui* (literally "to enjoy oneself [with]," and so "to enjoy [something]"), which depends on *solitum esse*. **patre vivo**: ablative of attendant circumstances. The

elder Roscius allowed his son to enjoy the usufruct of certain farms on the estate. This made the young man's position an honourable and independent one, since according to Roman law even a grown-up son (*filius familias*), if he had not been emancipated, remained entirely under the control of his father (*patria potestas*), and could neither own nor acquire property. The father might allow him a separate estate (*peculium*), but had power to take it back at any time.

20. **haec . . . vita**: subject. **rusticana relegatio atque amandatio**: secondary predicate after *appellabitur*.

22. **ipsa**: emphasises both *re* and *veritate*.

23. **benevolentia . . . odio**: ablatives of (efficient) cause.

24. **honoris causa**: see note on 2, 13.

26. **usque eo non**: = *adeo non*.

27. **arguas**: consecutive subjunctive.

28. **rerum naturam**: "the natural course of things."

XVI., §§ 45-48. ARGUMENT.—*You say that while he kept one son with him in Rome, he allowed the other to stay in the country. But, as we may gather even from the old comic poets, fathers have quite as much affection for sons who live in the country as for those whom they keep in the city. You impute to Sextus Roscius as a crime that which is in fact his greatest claim to praise.*

[See the Index for **Caecilius, Umbria, Veiens ager.**]

Ch. XVI.—1. **at enim**: used to introduce an opponent's objection, "but you will say that."

2. **ruri**: locative.

3. **hoc**: *i.e.* "what I am going to say."

5. **ut patre certo nascerere**: substantival clause, object of *dedit*. Cicero is probably here alluding to the fact that Erucius was a freedman (as was also his employer Chrysogonus), and therefore in strict law had no father.

6. **posses**: consecutive subjunctive. **qui**: predicative, "what it was." **esset**: subjunctive in indirect question. **at . . . certe**: "yet at any rate."

7. **humanitatis**: "innate human feeling"; here contrasted with *doctrina*, which is acquired.

8. **ne . . . quidem**: "not even"; the words *ne quidem* are always separated, and the word to be emphasised is placed between them.

9. **senex ille Caecilianus**: "that old gentleman in Caecilius' play." See Index, *s. v.* Caecilius.

10. **minoris**: genitive of value.

11. **ut opinor**: Cicero avoids the appearance of accurate knowledge of such unpractical matters.

12. **hoc nomine**: ablative of description.

13. **quid abis ad**: "why do you wander off into . . . ?"

14. **quasi . . . sit**: *quasi* "as if"; *tamquam*, *velut si*, etc., are used to introduce conditional clauses of comparison, which put an

imaginary case. The apodosis is here suppressed, and the full expression would be, "You speak as *you would speak* (apodosis) if," etc.

15. **quamvis**: here with *multos* as an adverb of degree. **ne longius abeam**: "not to go too far afield"; with reference to *quid abis?* above (line 13).

16. **tribules**: "fellow-tribesmen." Cicero was a native of Arpinum, the citizens of which belonged to the Cornelian tribe. **plurimi**: genitive of value.

18. **sumere**: "to take as examples." **odiosum est**: "it would be an invidious proceeding"; cp. the common phrase *longum est*, "it would be tedious." **illud**: referring to the indirect question which follows.

19. **et nemo . . . et nihil**: used for the more regular *nec quisquam . . . nec quidquam*, in order that uniformity may be secured by each of the three *cum* clauses beginning with *et*.

22. **ex agro Veienti**: "from the lands of Veii."

24. **expressam**: *expressus* is the technical expression for the rounded forms, bringing out the full shape of objects, which are characteristic of the plastic arts, as contrasted with the flat shaded outlines in drawing or painting. Hence the words come to mean (as here) "life-like."

25. **sis**: "please," a colloquial contraction for *si vis*.

26. **in Umbria**: where Ameria lay. **veteribus municipiis**: those of Latium, near Rome; *e.g.* Tusculum (the first *municipium*) and Lanuvium.

28. **inopia**: causal ablative.

29. **vitio . . . culpae**: predicative datives, accompanied by *Sex. Roscio* as a dative of indirect object.

XVII., §§ 48, 49. ARGUMENT.—*Moreover, my client himself, apart from his duty to his father, thought no life so honourable and delightful as a life passed in the country. He was a most shrewd and skilful agriculturist, and it is surely intolerable that he should be ruined because he had several good farms, and cultivated them with the utmost care.*

Ch. XVII.—3. **et ipsi**: "of their own accord also," *i.e.* as well as by the wish of their fathers.

5. **probro . . . crimini**: predicative datives.

6. **quid . . . quo**: the introductory interrogative particle *quid* is by a kind of attraction combined with the interrogative sentence *quo studio censes?* so that the two form part of a single sentence.

7. **studio . . . intelligentia**: ablatives of description.

9. **in isto artificio accusatorio**: "in that business of yours as accuser."

12. **artificium**: *obliviscor* takes an objective genitive of the person, and either a genitive or (as here) an accusative of the thing. **obliviscatur . . . deponat**: jussive subjunctives in quasi-dependence on *licebit*.

14. **vitam et famam**: this is all Cicero seeks to secure for his client; throughout the speech he tacitly assumes that any claim for recovery of the lost estates would be hopeless.

17. **fraudi**: predicative dative; the word is used in its old legal sense of "injury," "detriment." **ut**: introducing a final clause.

18. **miseriae**: partitive genitive depending on *parum* (= *non satis*). **quod aliis coluit**: noun clause, subject of *sit*. **quod omnino coluit**: noun clause, subject of *fuerit*.

19. **crimini**: predicative dative.

XVIII., §§ 50-52. ARGUMENT.—*Since, Erucius, you think agriculture a crime, you would have cut a ridiculous figure if you had lived in the good old times, when the best and greatest of men cultivated their own lands. Next you assert that the hatred felt by the father to the son is proved by the fact that he thought of disinheriting him. This statement has at least some bearing on the case.*

Ch. XVIII.—1. **ne**: "surely," a particle of affirmation or assurance, to be distinguished from the negative particle. It is sometimes spelt *nae*. It is always followed by a personal or demonstrative pronoun, and by a conditional or causal clause. **esses**: "you would have been"; cf. *iudicares* in line 6.

3. **fierent**: subjunctive in final relative clause. The stock example of a man being summoned from the plough to command the army in time of danger is that of the more or less legendary Cincinnatus.

4. **putes**: subjunctive in causal relative clause. **Atilium**: probably C. Atilius Serranus, consul in 257 B.C.

5. **qui missi erant**: = *viatores*, "the summoners."

8. **itaque**: *i.e.* since they thought and acted in this way.

11. **quibus rebus**: "by these qualities," *i.e.* industry and frugality, which enabled them to add to their territory. **et . . . et . . . et**: "both . . . and . . . and."

13. **eo**: "for that reason," causal ablative. **quo**: "because," with subjunctive, as the reason is here assumed by the speaker only to be rejected.

15. **summi viri**: owing to their high position in the state.

16. **clarissimi homines**: owing to their moral qualities. **omni tempore**: "from time to time."

17. **sedere debebant**: lit. "were in duty bound to sit," *i.e.* "were called upon to sit." The past tenses of verbs like *debeo* are used in two distinct senses: (1) they imply that the action ought to happen, but did not happen; (2) they imply, as here, that the action ought to happen, and actually did happen.

18. **consumpserint**: subjunctive in causal clause.

19. **ignosci oportere**: the real subject of *intellegatur* in line 15, *illud* being the "anticipatory subject"; *ignosci* as a verb taking the dative is used impersonally in the passive (literally "there should be a pardoning to"). **ei homini**: "a man" in general sense; hence *fateatur* is consecutive subjunctive.

21. **esset . . . posset**: the reference is in this case not to "a man," but to Sex. Roscius; hence the change of tense. *Esset* is subjunctive in a causal, *posset* in a consecutive, clause.

25. **immo vero**: "yes, indeed!" contradicting the negative assumption in the question.

26. **audio**: "that I can listen to"; *i.e.* you are at last making an assertion which calls for some notice.

27. **illa**: referring to what follows; in contrast to *nunc dicis aliquid.*

29. **quippe**: "of course not."

30. **veniret**: subjunctive in causal relative clause; *qui* = "inasmuch as he." **domum**: accusative denoting the goal of motion, used without a preposition with *domus* and *rus* as well as the names of towns (cp. 7, 19). **vocabat**: sc. *ad cenam.*

32. **revocaturus**: "in a position to return their invitation."

XIX., §§ 52-55. ARGUMENT.—*You say that the father was thinking of disinheriting his son. Not only are you unable to prove any bad conduct on the part of the son which might induce the father to disinherit him, but you cannot even invent a probable motive for such an intention.*

Ch. XIX.—2. **quod coepimus**: sc. *videre* from *videamus.* **quo**: ablative of the standard of comparison.

4. **quaerere**: infinitive used as accusative of direct object, governed by *mittere.*

5. **qui**: "how," old ablative of *qui*, used as an adverb. **te dicere . . . oportebat**: auxiliary verbs of duty (*debeo*, *oportet*), when used in a past tense, themselves take the tense-sign in Latin, while the infinitive used with them is always in the present tense; in English it is the infinitive that takes the tense-sign, while the auxiliary remains unchanged—"You ought to speak," *oportet te dicere*; "you ought to have spoken," *oportebat te dicere.*

6. **erat**: "would have been"; we might have expected *esset*, but in hypothetical clauses the indicative of *sum* (with the gerundive, and occasionally, as here, in other cases), *possum*, *debeo*, is commonly used instead of the subjunctive.

7. **argueret**: subjunctive in consecutive relative clause.

8. **potuerit**: the tense is here primary, though the main verb (*erat*) is historic. When the potential subjunctive is used in a dependent clause (as here in an indirect question), which would in any case require a subjunctive, the tense used is generally the perfect, whatever be the tense of the main verb.

11. **quae**: not *quod*, since each of the *ut* clauses refers to a different thing.

12. **ea**: *i.e.* the causes leading him to disinherit his son; contrasted with *illud* (line 13), the fact that he intended to disinherit him.

13. **cum taces . . . concedis**: "by your silence you admit." The indicative is used with *cum* in temporal clauses where the action

expressed by the main verb is the same as that expressed by the verb in the dependent clause. In such cases the same tense is employed in both clauses. **nulla esse**: "that they have no existence."

16. **ut ne**: = *ne*.

18. **inludere**: epexegetic infinitive, explaining *id facere*; "namely to mock at . . . ."

20. **non**: this use of *non* in answers, meaning "no," is rare in good prose.

22. **ad libidinem**: "at one's caprice."

24. **possis . . . coneris**: consecutive subjunctives.

28. **quid ergo est?**: "what then follows from this?"

29. **legem Remmiam**: by this law anyone who was convicted of *calumnia*, or fraud in the conduct of a prosecution (see Introd., § 7), was punished by having the letter K (*Kalumniator*, the old form of *Calumniator*) branded on his forehead. In the time of Cicero this law was rarely enforced. *Calumnia* was now dealt with under the special law which established the particular *quaestio*, and was decided in the course of the trial, after the main verdict had been given.

30. **putares**: subjunctive in a consecutive clause restrictive of a preceding statement; the principal sentence often (as here) has *ita*.

XX., §§ 55-57. ARGUMENT.—*A multitude of accusers is a good thing, since it is better that an innocent man be tried and acquitted than that a guilty man should not be tried at all. But the activities of accusers must be kept within due bounds; they must at least be able to bring forward some grounds for suspicion.*

[Consult the Index for **Capitolium**.]

Ch. XX.—2. **ut ne**: almost equivalent to *ut caveatur ne*, "provided that we are not" (*caveatur* being consecutive subjunctive).

5. **tametsi . . . ignoscere**: in sense, though not in form, this is the apodosis of the virtually conditional clause *innocens . . . non caret*.

6. **possim**: potential subjunctive, for which in this verb *possum* is more usual. Cf. 19, 6, note.

7. **criminose ac suspiciose**: "in such a way as to bring a charge and arouse suspicion."

8. **calumniari**: see Introd., § 7, and note on *legem Remmiam*, 19, 29.

10. **nisi accusatus fuerit**: there were no public or official prosecutors in the ordinary criminal procedure before the *quaestiones perpetuae*; the bringing of the indictment was left to any member of the community.

12. **causam dicere**: = *reum fieri*.

13. **anseribus cibaria publice locantur**: the geese were fed at the public expense in memory of the days of old when the Gauls

endeavoured to scale the Capitol (390 B.C.), and the sacred geese of Juno by their cackling awoke M. Manlius, just in time for him to hurl down the foremost of the assailants. The comparison (see line 20 f.) between the accusers and the geese does not hold good throughout, since the geese were not supposed to keep watch, and accusers were not paid by the state. **locantur**: sc. *praebenda*, "are contracted for." The censors sold the right to feed the geese to those who sent in the lowest estimate.

15. **significant tamen**: (that is certainly true) "yet they give warning."

16. **venerunt**: its action is antecedent to that of *significant*; it is therefore in the perfect. But we should translate it, according to the English idiom, by the present ("they give warning if anybody *comes*").

18. **salutatum**: the Romans began their prayers with the *adoratio* (putting the right hand to the mouth) and the *salutatio* (crying *saluto te*) of the image of the god.

19. **iis**: possessive dative, almost equivalent to *eorum*.

20. **sint**: subjunctive in dependence on the hypothetical subjunctive *suffringantur*. The subjunctive may also be explained as one of reported cause.

23. **cibaria**: *i.e.* the fee which Erucius had received from those who were the real accusers.

27. **commisisse**: here used absolutely (= *deliquisse*, "to have committed a crime").

31. **hos**: the judges. **literam illam**: the letter K, which stood for *Kalendae* (the first day of the month) as well as for *Kalumniator* (see note on 19, 30). There is here a playful allusion to the debts likely to be incurred by professional accusers of doubtful character like Erucius; for the interest on debts had to be paid on the first day of every month.

33. **ad caput adfigent**: see note on *legem Remmiam*, 19, 29.

34. **neminem alium**: see note on 19, 30. **fortunas vestras accusare**: this was proverbially said of people who had become unfortunate through their own fault.

XXI., §§ 58, 59. ARGUMENT.—*Erucius brought his perfectly groundless accusation against Roscius because Chrysogonus had assured him that no one would dare to come forward as an advocate. He never so much as dreamed of me; and when he saw that none of the usual advocates came forward, he treated the court with the utmost contempt.*

Ch. XXI.—1. **ad defendendum**: "as material for my defence."

2. **ad suspicandum**: "as grounds for suspicion."

3. **audio**: "so you say."

5. **non**: sc. *potes planum facere*.

6. **istud suspicari**: subject of *venerit*, *illud* being object of *suspicari*. **vobis**: possessive dative with *in mentem*.

8. **dicam**: deliberative subjunctive in indirect question.

12. **fraudem**: "self-deception."

14. **operae pretium erat**: "it was (*i.e.* 'would have been') worth your while." **operae**: possessive genitive. **erat**: see note on **19, 6.**

16. **in hisce subselliis**: *i.e.* as *advocati* of the accused. **quaesisse**: sc. *eum* as subject.

17. **ille aut ille**: "this one or that one."

18. **causam publicam**: this was the first speech delivered by Cicero in a criminal case,—one tried before a *iudicium publicum* or *quaestio perpetua.* **dixerim**: the subjunctive is used because the reason is the one that occurred to Erucius for not suspecting Cicero. The perfect is used in primary sequence after *credo.*

20. **veniret**: subjunctive in dependence on *resideret.* Indefinite frequency with *cum* (= "whenever") is normally expressed by the indicative in Cicero.

22. **cui cenam imperaret**: because he expected that the trial would soon be over. **imperaret**: subjunctive in a relative clause implying purpose.

23. **consessu**: of the judges on the bench. **conventu**: of the crowd of spectators. **pro summa solitudine**: = *quasi esset summa solitudo*, "as though the place were a complete desert."

XXII., §§ 60-63. ARGUMENT.—*Erucius must needs confess, since he sees how earnestly the defence is being conducted, that he hoped there would be, not a trial, but a robbery. Hence he did not think it necessary to assign a motive for the crime, though the charge of parricide requires more abundant proof than any other.*

Ch. XXII.—1. **surrexi ego**: the pronoun is emphatic: "it was I who stood up."

2. **diceret**: subjunctive, because the reason given is that in the mind of Erucius.

3. **usque eo**: with *iocari atque alias res agere. Usque eo* is normally followed by *dum, donec*, or *quoad*; here it is followed by *antequam*, as there is a mixture of two constructions; *usque eo . . . dum* (or *donec* or *quoad*), and *animadverti . . . antequam.*

4. **alias res agere**: "to pay no attention."

9. **auderet**: consecutive subjunctive.

15. **commode**: "adequately."

18. **confitere**: Cicero in a bantering spirit insinuates that Erucius can re-establish his old reputation only by an open avowal of his error. **venisse**: sc. *te* as subject.

19. **putares**: subjunctive of reported cause.

20. **parricidio**: see Introduction, § 8.

22. **quod**: the antecedent is *id* in line 24. **his**: this is added, because the reference is to things of every-day occurrence which lie "near to hand."

29. **ingenio**: the ability or talent by means of which he can make even an unfounded accusation appear credible.

30. **cum . . . tum**: "not only . . . but also."

31. **ostendatur**: jussive subjunctive in semi-dependence on *necesse est*. So also *exstent* in line 33, in semi-dependence on *oportet*.

34. **per quos**: "by means of what accomplices," or "by whose means."

37. **humanitatis**: "natural feeling," "human feeling."

38. **reclamitat**: "cries out against."

39. **portentum atque monstrum**: *hendiadys*, "an unnatural enormity."

40. **esse aliquem**: "the existence of a being," subject of *portentum . . . est*.

41. **propter quos**: "to whom he owes it that he," etc. The antecedent of *quos* is *eos* in line 42.

42. **aspexerit**: subjunctive in dependence on the consecutive subjunctive *privarit* (= *privaverit*). **luce**: ablative of separation.

XXIII., §§ 64-65. ARGUMENT.—*When T. Caelius of Tarracina was found with his throat cut, his two sons, who slept in the same room with him, were tried for the murder, but were acquitted, since they had been found asleep in the room; for no one imagined that anyone could go to sleep immediately after committing so terrible a crime.*

[Consult the Index for **Tarracina.**]

Ch. XXIII.—1. **annis**: (instrumental) ablative of degree of difference; lit. "before by not so many years," *i.e.* "not so many years ago."

3. **conclave**: Cicero probably uses this word, instead of the usual *cubiculum*, to indicate that it could be locked up (*clavis*, a key).

5. **quisquam**: this pronoun is used as an adjective only with names of persons or with collective nouns denoting persons. Otherwise *ullus* would be the ordinary adjective to translate "any" in negative sentences.

6. **id aetatis**: = *ea aetate*, referring to *adulescentibus* in line 3. *Id* is accusative of duration of time, and *aetatis* is partitive genitive in dependence on *id*. **propter**: an adverb ("near").

9. **sensisse**: infinitive of exclamation, to be explained as a current figure of speech in which the infinitive originally depended on some verb or verbal idea understood, *e.g.* "To think that . . ." **se committere in**: "to venture into."

18. **potuisset**: potential subjunctive.

19. **non modo**: *non modo* is often used for *non modo non* when the predicate (here *possunt*) is common to both clauses.

XXIV., §§ 66-69. ARGUMENT.—*Even those whom the poets represent as directed by oracles to avenge their father by killing their mother are haunted by Furies, who are in reality their own evil conscience. The crime of parricide is so terrible, that no one should ever be believed guilty of it unless the proof is overwhelming.*

Ch. XXIV.—1. **quos nobis poetae tradiderunt**: the reference is to Orestes and Alcmaeon, with whom the Romans were acquainted as matricides through their tragic poets, Ennius, Pacuvius, and Accius. Orestes murdered his mother Clytaemnestra because she, with her paramour Aegisthus, had killed his father Agamemnon; Alcmaeon killed his mother Eriphyle, because she had betrayed his father Amphiaraus for a golden necklace, on the occasion of the first expedition of the Seven against Thebes.

2. **cum praesertim . . . tamen**: "even though . . . for all that."

3. **deorum immortalium**: *i.e.* of Apollo, who declared the will of his father Zeus.

4. **ut eos agitent Furiae**: indirect question depending on *videtis* in line 1; hence the subjunctive: *ut* = "how."

5. **pii**: "dutiful" towards their fathers.

7. **necessitatem**: something there is no getting away from, "compelling force." **religionem**: "sacredness."

8. **ex quo**: sc. *profuso*. **si qua macula concepta est**: "if any spot is contracted"; for such murder defiles a man. For the sense compare Lady Macbeth's "Out, damned spot!"

9. **usque eo permanat ad animum**: "so deeply does it taint the soul."

11. **in fabulis**: "in plays"; Cicero has in mind mainly the Alcmaeon of Ennius.

12. **commiserunt**: the indicative is here used in a clause dependent on an accusative and infinitive phrase, since the clause contains a simple definition made by the orator himself.

14. **fraus**: = *scelus*, "sin."

16. **conscientiae**: note the plural, "the prickings of his guilty conscience." **haec**: here an old form of *hae*, used to give solemnity.

17. **domesticae Furiae**: in the proper sense of "Furies of a father or mother," and also in a metaphorical sense, "spirits of torment dwelling in the heart."

18. **parentum poenas**: "expiation for their parents" (objective genitive); *poena* is properly the ransom or compensation exacted from the slayer by the family of the slain man. **repetant**: consecutive or (less probably) final subjunctive.

19. **manifestum**: one in which the offender is caught in the act.

20. **nisi turpis adulescentia**, etc.: explanatory of *paene manifestum*; *proferatur* is to be supplied with this and the following nominatives.

24. **accedat**: jussive subjunctive in semi-dependence on *oportet*.

28. **si . . . credituri sunt**: "if they are to believe."

29. **quo . . . eo**: lit. "by what . . . by that," ablatives of degree of difference: "the . . . the . . ."

XXV., §§ 69-70. ARGUMENT.—*Solon, the great Athenian lawgiver, appointed no punishment for parricide, since he did not believe that anyone would ever commit such a crime. Our ancestors, in devising a*

unique penalty for parricide, showed themselves much wiser than Solon.

[See Index for **Solon.**]

Ch. XXV.—1. itaque: this belongs in sense to the words *singulare supplicium invenerunt.* Logically, the whole sentence would run: *itaque maiores nostri in impios singulare supplicium invenerunt, quorum consilium et sapientia cum multis ex rebus, tum ex hac re intelligi potest*; but the original construction of the sentence is altered, owing to the reference to other nations, which is intended to introduce the comparison with the Athenians. **multis ex rebus:** "from many other things."

6. **prudentissima:** predicative, completing the meaning of *fuisse.*

7. **dum ea rerum potita est:** "so long as it enjoyed the supremacy," *i.e.* over Greece. The Athenian supremacy or "Hegemony" lasted from 478 to 404 B.C. **potita est:** *potior* is rare in the sense of "to be in possession of anything." *Dum*, meaning "all the time that," as here, takes a past tense in historic sequence; in the meaning of "during the time that" it takes the present indicative, whatever the sequence.

9. **quibus hodie quoque utuntur:** Greece had been placed, since its subjugation in 146 B.C., under the general supervision of the governor of the province of Macedonia; but Athens, Sparta, and some other states were *liberae civitates* and preserved their autonomy, including the right of jurisdiction.

10. **scripserit:** subjunctive in dependence on an accusative and infinitive phrase. Halm proposes *scripsit* for the MSS. reading *scripserit.* *Utuntur* is indicative, though dependent on the subjunctive *scripserit*, since it occurs in a relative clause introduced by Cicero for the benefit of his hearers (cp. 24, 12).

11. **necasset:** subjunctive in a clause dependent on the subjunctive clause *cur . . . constituisset*, which is a dependent question; *necasset* represents the future perfect indicative (*necaverit*) of direct speech.

13. **sanxerit . . . videretur:** the time of the direct statement is retained (*Solon de eo nihil sanxit, ne videretur*).

17. **supplicium in parricidas singulare:** the *Lex Cornelia de sicariis et veneficis* which established the *quaestio inter sicarios*, before which Roscius was tried, had special clauses relating to *parricidium*; it provided that for this offence the old *poena cullei* (line 20) should be enforced (Introd. § 8); it also probably ordained that the trial of so unnatural a crime should take place *extra ordinem*, *i.e.* apart from the regular list of criminal cases.

19. **potuisset:** "had not been able"; the pluperfect is used because the action represented in *potuisset* (*i.e.* the murder itself) comes in time before the consideration of the penalty (*submoverentur*). The subjunctive is due to the clause being dependent on a subjunctive dependent clause.

XXVI., §§ 71-73. ARGUMENT.—*Our ancestors devised the punishment of the sack so as to cut off parricides from the source of things, and leave them no share even in objects that are most common and worthless. You cannot, Erucius, without alleging motives, prove to the satisfaction of such men as the jury a charge involving so heinous a crime.*

Ch. XXVI.—1. **sapientiam**: accusative of exclamation, really the object of some verb more or less vaguely understood. Here we might understand *videte*, "consider."

2. **rerum natura**: "the natural world." **cui**: dative of indirect object, with a verb of "taking away"; *ex* above (line 2) has its full sense of "out of."

3. **ademerint**: subjunctive in causal relative clause. It may also be regarded as subjunctive of reported definition.

4. **necasset**: consecutive subjunctive. **unde** = *a quo* or *ex quo*, "from whom," a colloquial idiom. **natus esset**: subjunctive in a clause dependent on the dependent subjunctive clause *qui eum necasset*.

5. **dicuntur**: indicative, although the clause is grammatically dependent on a subjunctive clause. The indicative is here used because the clause merely defines, and the definition is not represented as having been present in the minds of the *maiores*.

6. **scelus**: "abomination"; it is *not* used here for *scelestus*, as is generally maintained.

7. **attigissent**: subjunctive in causal relative clause. **immanioribus**: predicative with *uteremur*; "lest we might find the very beasts made more savage." **sic**: with *nudos*, "naked as they were." Some refer *sic* to *tantum scelus*, with the meaning "since they were so wicked"; but the separation in sense of *sic* from *nudos* is very harsh.

8. **deicere**: sc. *voluerunt*.

11. **reliquerint**: subjunctive in consecutive relative clause; *cuius* = *ut eius*. **quid . . . tam commune**: "what boon so universal." Cicero in his *Orator* (Ch. 30, § 107) quotes lines 11-17 of this chapter; he states that they were received with loud applause, and confesses that even in his old age he still feels their fiery energy.

14. **ut eorum ossa terra non tangat**: the ancients believed that the spirits of those who lay unburied could not enter the next world. Hence, if a man came upon an unburied corpse, he threw at least three handfuls of earth upon it; and this was considered equivalent to a burial.

19. **talibus viris**: dative of person judging: "to the satisfaction of men like these."

21. **paratius**: Cicero generally uses the adjective *paratus* with *venire*; here the adverb is used to correspond with *diligentius*, which is a loose expression for *diligentius meditatus*, "having more carefully thought the matter out."

22 **venisses**: the subjunctive is jussive ("you ought to have

come"), the imperfect and pluperfect being used to denote what ought to have been done; it also forms the apodosis of the conditional sentence of which *si . . . accusares . . . praeesset* is the protasis.

XXVII., §§ 73-75. ARGUMENT.—*I now ask you, Erucius, since you cannot allege any motive, by what means did Sex. Roscius kill his father? Was it by slaves or by freemen? If by the latter, were they from Ameria or from Rome, and by whose means did he bribe them? I pass over the point that it is a city life, not a country life, that produces atrocities of this description.*

Ch. XXVII.—1. esto: "Good!" Cicero here passes from the discussion of motives to that of means, and inquires, not *why* Roscius should have killed his father, but *how* Roscius could have killed his father.

2. **vicisse debeo:** lit. "I am in duty bound to have won," *i.e.* "I ought to be considered as the winner." The perfect infinitive is often used to describe an action as completed and ready, where in English the present is normally used. **de meo iure decedam:** "I will withdraw from my rightful claim."

6. **meo loco:** i.e. *nunc cum meus sit dicendi locus.* Cicero considers the present portion of Erucius' case to be so weak that he offers to allow the *altercatio* or cross-examination, which generally came at the close of the counsel's speech, to take place during the time actually allotted for that speech.

9. **occidendum:** sc. *eum.* The gerundive is here used predicatively, and with *eum* forms a phrase concrete in form but of abstract meaning; "did he entrust the killing of him to others?" In this and the following questions, down to *quantum dedit* in line 17, Cicero collects together in the form of a dilemma all the possible cases. **ipsum:** sc. *percussisse.*

10. **Romae non fuit:** = *respondes eum Romae non fuisse.*

11. **†si per liberos:** not in the MSS. but required by the sense, as one member of the statement (*i.e.* the major premiss) of the dilemma must be mentioned here; the other member (*per servos*) follows in 28, 13.

12. **Ameria:** ablative of origin, a form of the ablative of "place whence."

13. **unde:** "from what source."

14. **multis annis:** ablative expressing the amount of time from, or since, when something has not happened.

15. **qui:** an old ablative of manner; "How did he confer with them?" (*i.e.* whether personally or by means of agents?). Supply *cum eis* from *eos* in lines 13 and 15.

17. **unde . . . dedit:** = *a quo dedit,* "on whom did he draw?" The Romans seldom made payments in cash; as a rule they paid, as in modern times, by a draft on a banker (*argentarius*) with whom

they had an account; hence bankers' books were always admitted as evidence in a court of justice.

18. **caput**: used, like *fons*, in the metaphorical sense of "source."

19. **tibi**: possessive dative with *in mentem*. **veniat**: the subject is the clause *quem ad modum . . . depinxeris*.

22. **constitisse**: = *moratum esse*.

23. **maximo argumento**: predicative dative.

24. **poterat esse**: "might have served as." See note on **19**, 6. **arido**: = *tenui*, "meagre."

27. **possis**: potential subjunctive.

28. **exsistat**: jussive subjunctive in semi-dependence on *necesse est*.

29. **erumpat**: sc. *necesse est*.

30. **omnia**: "of all kinds."

31. **agrestem**: "boorish." **diligentiae**: "careful housekeeping."

XXVIII., §§ 76-78. ARGUMENT.—*It is not suggested by the prosecution that Roscius, who was not at Rome at the time of the murder, hired assassins to kill his father. His slaves now belong to his enemies, and his request to have two of them examined is refused.*

[Consult the Index for **Scipio** (2).]

Ch. XXVIII.—1. **missa facio**: "I pass over."

2. **fuerit**: subjunctive in causal relative clause.

8. **qui**: = *is qui* ("he who"), *is* being understood as the subject of *misit*.

10. **induxit**: sc. *ad caedem patris*.

13. **reliquum est . . . admiserit**: here begins the discussion of the second statement (*si per servos*) of the dilemma, the first statement of which (*si per liberos*) has just been settled.

14. **quod**: a conjunction, introducing a fact, in dependence on the accusative of exclamation: "how lamentable a thing it is that," etc.

15. **quod**: relative pronoun; the antecedent is *id* (line 16). **saluti**: predicative dative. **ut . . . polliceantur**: this is a noun clause, in apposition to *id facere*, the subject of *licet*. **in quaestionem**: "for examination by torture," since the evidence of slaves could only be elicited under torture. It was illegal, except in certain special cases, to examine slaves in a matter in which their masters might be incriminated; but a master could offer his slaves voluntarily for examination (hence *polliceantur*).

17. **unus . . . relictus non est**: "not even a single slave has been left." We might have expected *ne unus quidem puer relictus est*; but *unus* by being placed first stands out in emphatic contrast to *omnes servos*.

19. **P. Scipio**: perhaps P. Cornelius Scipio Nasica, nephew of the Scipio Nasica Serapio who struck down Tiberius Gracchus, and step-son of the orator L. Crassus; he was praetor in 94 B.C.

20. †**M. Metelle**: quite unknown, since the *praenomen* is wanting in the MSS. M. (for Marcus) is generally inserted, on the supposition that M. Metellus, praetor in 69 B.C., is meant. **vobis advocatis**: see note on **1, 4.** These influential men would be called in when S. Roscius made his demand before the praetor M. Fannius. **agentibus**: sc. *rem Roscii*, "when you were pleading his cause."

22. **T. Roscium**: sc. Magnum, from whom, as *procurator* or agent of Chrysogonus, the slaves were demanded.

23. **sectantur**: *i.e.* as body-servants.

25. **ut ex eis quaeratur**: noun clause, object of *postulo*. **quaeratur** is used impersonally.

31. **in caede**: "amid bloodshed," as *sicarii*. **ex caede**: "by bloodshed," as *sectores*.

35. **erit**: equivalent in sense to *licebit esse*; "shall he not be allowed to be?"

36. **quaeratur**: subjunctive in final clause, since *dum* ("while") here denotes purpose (= "in order that meanwhile").

39. **diluissem**: subjunctive in a dependent clause in *oratio obliqua*; it depends on the accusative and infinitive phrase, *me dicturum* (sc. *esse*); the pluperfect represents the future perfect indicative of direct speech.

XXIX., §§ 79-82. ARGUMENT.—*Roscius could not have employed freemen, because he never came to Rome, and the suggestion that he used slaves only turns suspicion upon yourselves. The argument that there were at the time so many assassins abroad that murder could easily be committed recoils upon the Roscii, who are themselves the chiefs and leaders of murderers.*

Ch. XXIX.—1. **conveniat**: jussive subjunctive in semi-dependence on *necesse est*, as in **27, 29.** Cicero now recapitulates the dilemmas of **27.**

2. **id quod negas**: = *id quod probare non potes.* Cicero is now in a position to make this statement, since Erucius had not availed himself of the permission given him (**27, 6-8**) to ask and answer questions.

6. **contra ostendo**: an exaggeration, since Cicero nowhere establishes the *alibi* of S. Roscius.

9. **temere**: "without good reason."

10. **servorum nomen**: = *ut per servos factum diceres*; the substantive is preferred to the noun clause, because it is a better antecedent for the relative adverbs *quo* and *ubi*, and also suits *portum* and *scopulum*. **nomen**: = *locus*, "the point," "the mention."

12. **scopulum offendis**: the nautical metaphor is continued; *offendere* is regularly used for a ship striking upon a rock.

17. **nullo negotio**: "without any trouble."

18. **potuisti**: "you would have been able," indicative instead of potential subjunctive. See note on **19, 6.**

19. **una mercede duas res adsequi**: lit. "to obtain two articles for one payment"; the corresponding English proverb is "to kill two birds with one stone." **†nos iudicio pertundere**: "to strike at us through the verdict." The MSS. read *perfundere*, which seems to have no point here. *Pessundare*, *pervertere*, *confundere*, *percutere* have been suggested. *Pertundere* (a conjecture of G. Ammon) is a synonym of *percutere* (which expresses the meaning well) and has the advantage of being closer to the reading of the MSS. than any other emendation. The infinitives *pertundere* and *accusare*, which should depend on *adsequi velle*, are loosely connected with *videris velle*.

22. **sectoribus**: the property of a proscribed person was sold by public auction (*sub hasta*, the spear being the symbol of booty taken in war). Such a sale was called *sectio* and the purchaser was called *sector*. The word seems to be derived from *secare*, "to cut," but the name was certainly not given because the purchasers of a property (which was always sold to a single person) parcelled it out into small lots with the purpose of selling it again. It is probable that *sectio* was originally used to designate that part of the booty which was "cut off" or set apart for the State, as distinguished from the shares of the general and the soldiers. The word was then transferred from the sale of booty taken in war to the sale of confiscated property. Thus though *sectio* still has some of its original meaning, *sector* in this derived sense has none. In the same way the holder of an "open scholarship" at the universities is called an "open scholar."

23. **eosdem . . . collorum et bonorum**: the play on the word *sector* may be represented in English by "those same brokers were generally the men who broke necks."

24. **denique**: expresses the speaker's indignation, "shall it be that . . . ?"

25. **concursabant**: = *circumcursabant*.

26. **adsidui**: = *adsidue*, "continually."

29. **crimini**: predicative dative, accompanied by *huic* as dative of indirect object; "is to be a ground of accusation against my client."

34. **disseram**: present subjunctive rather than future indicative here.

35. **dissoluta est**: the regular word for the unravelling of deceptive and sophistical questions; it is here used of the refutation of charges for the adequate reply to which dialectical acumen is needed. See also *diluam* in line 36.

36. **de peculatu**: "about the embezzlement of State property." Erucius must have insinuated that Roscius had secretly kept back some of his father's confiscated property.

38. **declamare . . . commentari**: technical expressions; *commentari* refers to the mental preparation or "getting up" of a speech; *declamare* refers to the private "practising" of it aloud, before the public delivery; the word conveys no notion of "bawling," as some suppose.

XXX., §§ 83-85. ARGUMENT.—*If we turn to the question of where the guilt really lies, I say that, while you, Erucius, can find no motive for Sextus Roscius committing the murder, I do find one for Titus Roscius; the question of the severe judge, Lucius Cassius, "Who is the interested party?" should be asked in this case.*

[Consult the Index for **Cassius.**]

Ch. XXX.—1. **fides**: "sense of duty." Here begins the second of the three main divisions of the speech. In this part (Ch. XXX.-XLII.) Cicero turns from defence to attack, and endeavours to show that the murder was really committed by the two Roscii, Capito and Magnus.

2. **alios potius**: *i.e.* more distinguished men than the two Roscii.

3. **crescere**: "to advance my position." Since an accusation in a *causa publica* was regarded as a service to the State, young men of promise were accustomed to make such accusations the first steps in their political career. **quod**: adversative, = *ab hoc.* **certum est**: sc. *mihi*, "I am resolved."

4. **utrumvis**: *i.e.* either to accuse or to defend.

5. **sua virtute**: "by his own unaided merits."

8. **iam intelleges**: this forms the apodosis to *desinamus* and *quaeramus*, though the sentences are not expressed in regular conditional form.

9. **certum crimen**: "a real charge," as opposed to a fictitious one (*crimen commenticium*, **15**, 6).

10. **neque omnia dicam et**: an idiom that also occurs in Greek; in English *et* must be rendered by "but."

11. **neque . . . id**: = *ac ne id quidem.*

12. **signi**: possessive genitive used predicatively.

13. **causam**: "motive."

16. **istic**: on the side of the prosecution.

17. **viderimus**: the future perfect of *video* is often used of an action postponed; in this usage it differs hardly at all in meaning from the simple future. **paratum esse**: sc. *eum.*

18. **alias palmas**: the murder of Sex. Roscius is ironically alluded to as a "victory," which Capito may reckon among his other successes as a gladiator. See **6**, 30 and 32.

21. **in causis**: *i.e.* when he was *quaesitor* or *iudex quaestionis* in a *quaestio perpetua*, in which capacity he would assist the verdict of the *iudices* by occasional remarks.

22. **bono**: predicative dative, accompanied by *cui* as dative of indirect object; *cui bono?* means literally "to whom does it serve as a benefit?" *i.e.* "who gains by it?" **sic**: = *talis*, and is used predicatively.

23. **spe atque emolumento**: hendiadys (*i.e.* two words are used coordinately to express one idea), "hope of advantage."

24. **quaesitorem**: *i.e.* the president of a *quaestio*, either as praetor or as *iudex quaestionis.*

25. **periculum**: used regularly of the risk run by the defendant in a *causa publica*, or criminal trial; not employed in connection with civil cases. **creabatur**: = *inferebatur*.

27. **†adplicatus**: a conjecture for the MS. reading *implicatus* or *implicitus*. Most editors adopt the conjecture *implacatus*, which seems less suitable even than the reading of the MSS. *Inclinatus* is suggested by G. Ammon, but it does not seem close enough to the MS. reading.

29. **ab innocentia**: = *pro innocentibus*. *Ab* often means "on the side of," especially in the phrases *ab aliquo stare*, *ab aliquo dicere*, *ab aliquo facere*.

31. **Cassianos iudices**: proverbial for "strict judges."

33. **Sex. Roscio**: great emphasis is laid on these words.

XXXI., §§ 86-88. ARGUMENT.—*You, Titus Roscius, had every motive to impel you to such a crime; you have suddenly exchanged wealth for extreme poverty. You are known to be avaricious, audacious, and a bitter foe of my client. The jury must consider the contrast in the positions of Titus and Sextus, and then decide which of the two was the more likely to commit the murder.*

Ch. XXXI.—1. **cum viderent**: either temporal or conditional, "on seeing"; *quaererent* (line 3) and *adiungerent* (line 4) are the verbs in the compound apodosis, being themselves potential subjunctives referring to present time.

3. **eo perspicuo**: ablative of attendant circumstances, = *cum perspicuum sit, cui bono fuerit*.

4. **praedam . . . egestatem**: abstract for concrete.

9. **ergo**: "well then." **horum**: = *harum rerum*, i.e. *tenuitas, avaritia, audacia, inimicitia*.

11. **praefers**: = *prae te fers*.

12. **coieris**: subjunctive in relative causal clause. **cum alienissimo**: *i.e.* Chrysogonus. Cicero here "begs the question," by assuming as true what can only be considered as proved when the verdict is given.

13. **alia**: *obliviscor* takes either an accusative or an objective genitive of the thing, and nearly always a genitive of the person. **obliviscar**: = *silentio praeteream*.

15. **sederes**: subjunctive in a consecutive relative clause; *qui* = *talis ut*.

16. **os tuum**: "your brazen face." **ostenderes**: "let it be seen." **offerres**: "thrust it upon us."

19. **hoc dubitemus**: = *hoc in utramque partem deliberemus*, "weigh this point."

23. **feratur**: in the middle sense, "rushes."

24. **quaestum**: in the narrow sense of "base gains," such as those acquired by money-lenders or (as here) *sectores*. **fructum**: "honest earnings," the result of labour on the soil."

26. **fori iudiciorumque**: objective genitives with *insolentiam*, which means "lack of acquaintance with."

28. **ad rem**: "to the matter in hand."

XXXII., §§ 89-91. ARGUMENT.—*During the time of the proscription so many professional accusers were slaughtered, that even you, Erucius, are now a quite respectable accuser. The law-courts were almost swept away altogether by the subordinates of Sulla, while he himself was occupied with other matters.*

[Consult the Index for **Trasumennus lacus, Cannae.**]

Ch. XXXII.—2. **iactares**: here in a physical sense, "what gestures would you have made"; reference is also intended to the usual figurative or tropical sense of *se iactare*, "to boast."

5. **mihi**: dative of indirect object after a verb of taking away.

8. **in grege**: "in the common body"; there were so many *patroni* that one so young and inexperienced as Cicero was, as it were, lost in the crowd. **te pugna Cannensis accusatorem sat bonum facit**: at the battle of Cannae, 216 B.C., the Carthaginian general Hannibal defeated the Romans with enormous loss. Hence *pugna Cannensis* was used proverbially for any great massacre. Here it refers to the Sullan proscriptions, which proved fatal to so many professional accusers and informers. Cicero means that the proscriptions left such a small number of accusers alive, that even Erucius might now pass as a tolerably good one.

9. **ad Trasumennum**: *ad* means "near," as in *ad Volaterras*, **37**, 2. Hannibal entrapped and cut to pieces a Roman army at Lake Trasimene (Lago di Trasimeno, near Perugia, on the borders of Tuscany and Umbria), 217 B.C.

10. **Servilium**: sc. *lacum*. The *lacus Servilius* was a basin or reservoir near the *basilica Iulia* in the Forum; during the Sullan proscriptions it was decorated with the heads of the victims. **quis ibi . . . Phrygio**: part of a trochaic line from a lost tragedy of Ennius called "Achilles." When Hector set fire to the Grecian fleet, Ulysses fled from the fight to the tent of Achilles, and when Ajax asked him why he had fled, he answered him with this verse.

12. **Curtios, Marios**: "a Curtius, a Marius"; of these persons nothing further is known. **†Mammeos**: the reading is here corrupt. *Memmios* is a probable emendation, since Cicero in his "Brutus" refers to the brothers Gaius and Lucius Memmius as "keen and bitter accusers." One of these brothers, however, is known to have been murdered by the democratic party in 100 B.C.

13. **a proeliis**: sc. *forensibus*. The professional accusers are throughout referred to in terms appropriate to military life. These men are represented as having almost attained the age of 60, and consequently as having almost earned their discharge. In the Roman army the *iuniores* (from 17 to 45 years of age) served in the field, the *seniores* (from 46 to 60) served as garrison troops, while

the *senes* (those over 60) were wholly free from military service. **Priamum ipsum senem**: Priam was the aged king of Troy during the Trojan war. There is here a sarcastic reference to Antistius as the oldest and "most venerable" of the accusers.

14. **Antistium**: since the *praenomen* is wanting, it is not clear to which of the Antistii the name refers. P. Antistius, mentioned by Cicero in the "Brutus" as a "popular brawler," was killed in 82 B.C. as a *Sullan*, whereas some *Marian* victim of the Sullan proscriptions is here required; moreover Publius is described by Cicero as a *patronus*, not as an accuser. Perhaps L. Antistius, who in 95 B.C. indicted a certain T. Matrinius for usurpation of citizen rights, is here referred to. **leges prohibebant**: because, having been convicted of malicious prosecution (*calumnia*) under the *Lex Remmia* (see note on 19, 29), he became *infamis* and was disqualified from ever again becoming a prosecutor.

16. **sescenti**: used to signify an indefinite number. **inter sicarios**: see note on 5, 4, and Introd., § 7. Accusers in this court are specially mentioned, because the executioners under the Sullan proscriptions had most to fear from them.

17. **viverent**: jussive subjunctive in semi-dependence on the potential subjunctive *vellem*.

18. **mali**: partitive genitive depending on *nihil*.

19. **verum**: a thought, forming the means of transition to what follows, is here intentionally suppressed: "however [not only professional accusers, but also many innocent persons, were made victims in those days, for] as usual," etc.

21. **molitur**: singular, since *vis ac turba* really form a single idea. **dum . . . erat . . . erant**: *dum*, meaning "so long as," when the action of the principal verb lasts as long as that of the verb in the temporal clause, takes the indicative. The tense in both clauses is usually the same. **is**: Sulla.

22. **summam rerum**: "the highest power in the State." See Introd., § 2. **suis vulneribus**: personal grievances and losses.

23. **qui**: = *et ei*. **tamquam si**: introducing a comparative conditional clause, in which an imaginary case is put; the apodosis is suppressed, but may easily be supplied.

24. **ita**: correlative of *tamquam*; lit. "they rushed about in such a way as [they would have rushed about] if," etc.

27. **commodi**: predicative genitive, "this belongs to advantage," *i.e.* "this is an advantage"; cp. *signi* in 30, 12. *Commodi* may also be taken as partitive genitive dependent on *hoc*, "this much advantage exists," "there is this much advantage."

28. **ut . . . interficere non possent**: "that they could not have killed," *possent* being hypothetical (in apodosis) as well as consecutive. **si**: *etiamsi*.

30. **ut coepi dicere**: in lines 1-4 above; the words are equivalent to "as I have said already."

32. **quamvis**: adverb of degree with *diu*, "as long as he pleased," lit. "however long."

33. **possum**: "I would be able," indicative *possum* is used for potential *possim* (cp. 19, 6). **quem ad modum ante dixi**: in 30, 10.

XXXIII., §§ 92-94. ARGUMENT.—*You, Titus Roscius, had every means and opportunity, which my client had not, of committing the crime; for you were at Rome and in the society of assassins while he was in the country, and you were one of those who coveted other people's property.*

Ch. XXXIII.—2. **impellerent**: "would have urged," "might have urged," potential subjunctive. Cicero seeks to point out the probability of T. Roscius' guilt, not to assume the fact of his guilt, as he would do if he had used *quae istum impulerint* (or *impulerunt*), "which (actually) urged him on."

5. **quid ad rem**: sc. *hoc pertinet?* **quasi . . . agatur**: see note on 16, 14.

7. **eum . . . esse occisum**: accusative and infinitive in dependence on *utrum . . . sit.*

11. **commemoravit**: in 29, 15-16.

13. **eorum**: genitive of definition, or that of which a thing consists, depending on *multitudo.* **in bonis**: sc. *emendis*, referring to the *sectores.*

15. **eos**: sc. *esse*, as imperfect. **alienum**: here used substantivally, "other people's property."

17. **qui leviore nomine appellant**: "who use a milder expression."

18. **quaere . . . reperies**: see note on 30, 8. **aliquem**: "a certain one," a plain allusion to Chrysogonus.

21. **quid postea**: "what follows?"

22. **ego**: Cicero represents his client as himself answering Magnus.

24. **non continuo . . . sum sicarius**: "I am not forthwith an assassin," *i.e.* "it does not follow that I am an assassin."

28. **quare**: i.e. *qua re.* It does not of course refer to the plural antecedent (*permulta*), but to the action implied by *quae dici possunt*, "by means of which fact," "whereby." It is construed with the consecutive subjunctive *intelligatur*, "it can be understood."

30. **eo**: a neuter form in the instrumental ablative, denoting the degree of difference, and used as an adverb; it here refers to *quod* (line 30), "because."

33. **vereor ne . . . videatur**: this is substituted for the regular apodosis of *velim*, present subjunctive in vague future condition; i.e. *vereor ne videatur* is a still vaguer form of *videatur.* **plures**: to "more" than Roscius, viz. to all those who had taken part in the proscriptions.

XXXIV., §§ 95-97. ARGUMENT.—*Let us now examine what Titus Roscius did after the murder. The message of Mallius Glaucia, and*

the speed with which he delivered it, confirms the suspicion attaching to those who received the news.

Ch. XXXIV.—1. **sicut cetera**: sc. *vidimus*; supply *ea* as antecedent of *quae*.

2. **facta sunt**: note the indicative, "let us look at what was done" in its true significance; *facta sint* (dependent question) would mean simply "let us see what was done."

3. **medius fidius**: sc. *iuvet*. *Dius* (= *deus*) *fidius* was the "God of good faith"; the phrase was a surname of Jupiter.

4. **cuicuimodi es**: "whatever kind of man you are"; *cuicuimodi* is either (1) a shortened form of the genitive *cuiuscuiusmodi*, used regularly for the sake of euphony, the genitive being one of quality, or (2) an old locative which has been confused with the dative.

7. **possim**: consecutive subjunctive in a relative sentence restricting a general assertion (*cupio . . . parcere*).

8. **mihi**: possessive dative. **oris tui**: the genitive is the regular objective genitive after a verb of remembering; since *venit mihi in mentem* is practically equivalent to *reminiscor*. **oris**: = *impudentiae*. **tene . . . depoposcisse**: infinitive of exclamation, depending on a verb which is vaguely understood (*putemne te . . . ?* "Am I to think that you . . . ?" etc.).

9. **ut . . . non**: the clause is final, but *ut non* is used instead of the regular *ne* on account of the following *sed*, i.e. *non* goes, not with the verb, but closely with *de . . . praeda*. **illorum**: in a final clause *suus* is regularly used to refer to the subject of the principal sentence; *illorum* is here preferred, as it serves to bring out the required contrast with *huius*.

16. **quid attinuit**: "why was it necessary?" *nihil attinet* is very common.

18. **inieras . . . coieras . . . pertinebat**: when the condition is represented as one that may or may not have been fulfilled in the present or past, the indicative is used in both protasis and apodosis; when it is represented as one that is not fulfilled in the present, or was not fulfilled in the past, the subjunctive is used in both protasis and apodosis: *inieras* is in the pluperfect because its action is antecedent in time to that of *pertinebat*.

19. **ad te minime omnium pertinebat**: Cicero overlooks the fact that Magnus would be greatly interested to hear of the death of his enemy.

21. **eius**: possessive genitive with *interest*; but when the person or thing concerned is represented in English by a personal pronoun, the ablative singular feminine of the possessive adjective (*mea, tua, sua*, agreeing with *re* understood) is used with *interest* and *refert* instead of the genitive of the personal pronoun. **an**: since here the question introduced by *quid* assumes that there are various possible reasons, the question with *an* introduces the one point which the speaker selects for special notice out of these several possibilities.

23. **nuntiaret**: subjunctive in consecutive clause, which here serves as the subject of the principal verb (*accidit*).

25. **nihil**: "in no respect," accusative of the extent of the action of the verb.

27. **liberi**: it does not follow from this that the murdered man left daughters behind him in addition to his only surviving son, Sextus; for *liberi* is often used when only one child is meant. This is partly due to the desire for rhetorical effect, and partly to the fact that *liberi* has no singular in classical Latin.

28. **optime convenientes**: "with whom he lived on the best of terms."

33. **quis percusserit**: "who actually struck the blow." *Percusserit* is subjunctive in indirect question.

34. **metuas**: consecutive subjunctive; *quod* = *ut ob id*. **non excutio te**: *i.e.* as though a weapon still remained hidden in the folds (*sinus*) of Glaucia's toga.

37. **non laboro**: = *non curo*.

38. **tuum scelus**: here Cicero again turns from Glaucia to Magnus.

39. **qui**: old form of ablative used as an adverb: "how?" **fac**: concessive use of the imperative, the statement being made for the sake of argument. **audisse**: supply *eum* as subject.

40. **itineris**: partitive genitive. **contendere**: rarely used in this sense with accusative of extent of space (*tantum*).

42. **faceret**: subjunctive in a clause dependent on a subjunctive clause. **id temporis**: see note on *id aetatis* in 23, 6. *id temporis* here probably means "at that time of night" and is not merely another mode of expressing *eo tempore*.

XXXV., §§ 98-101. ARGUMENT.—*Do you not, judges, seem to behold with your own eyes the details of the murder? The news was brought to Capito because he was a partner in this property. He has committed many murders, and in every possible way, and when he comes forward to give evidence he shall hear of them. An excellent witness will he prove, judges!*

Ch. XXXV.—2. **nonne vobis**, etc.: here we have an example of *descriptio* or *deformatio*, *i.e.* vivid representation or dramatic delineation. Cicero paints the details of the murder in lively colours, but we must not forget that he is merely drawing upon his imagination.

6. **vobis**: possessive dative, almost = *vestros*.

8. **Automedontem illum**: Automedon was the charioteer of Achilles, and so the word came to be used by metonymy for a charioteer in general, just as we use the expression "a Jehu."

10. **honoris sui causa**: used ironically for the simple *sua causa*.

11. **quid erat quod . . . voluerit**: = *cur voluit*, "what was his reason for wishing?" *quod* = *ut ob id*, and the clause is consecutive; hence the perfect subjunctive (*voluerit*) can be used in dependence

on a historic main verb. The perfect represents *voluit* (in *cur voluit*), and the actual result rather than the natural consequence is thus emphasised.

12. **nisi hoc** = *hoc tamen.*

15. **non**: with *nunc primum.*

16. **palmas**: the "victories" of a gladiator; used sarcastically with reference to murders and other crimes.

17. **lemniscatam**: "decked with ribands"; a *palma lemniscata* was a palm-branch (the usual token of victory) adorned with ribands and presented to a general or gladiator when his victory had been one out of the common. Cicero of course here implies that the murder of Roscius was one which brought Capito more profit than usual. **quae Roma ei deferatur**: the neighbourhood of Ameria had hitherto been the scene of Capito's murders. It is implied that it was more difficult for a gladiator to win a victory at Rome than in other parts of Italy.

20. **quem contra morem maiorum minorem annis sexaginta de ponte in Tiberim deiecerit**: the centuries composing the *comitia centuriata* voted in the Campus Martius; and the voters passed by means of *pontes* or narrow railed galleries to their separate voting compartments (*consaepta*), of which there was one for each century. The centuries in each class consisted of *iuniores* (from 18 to 45 years of age) and of *seniores* (from 46 to 60). Since the assembly was essentially a military one, those over the age of compulsory service, *i.e.* over 60, should not logically have had any part in it. But it is certain that the list of *seniores* contained the names of men over 60, and the younger men would often thrust them back from the voting-galleries, on the ground that those who could no longer fight ought not to be allowed a voice in the decision of military questions. To this hustling from the *pontes* of the old men by the young the expression *sexagenarios de ponte deicere* was transferred by way of a pun; for the expression itself originated in an old custom by which every year on the Ides of May the Pontifices and the Vestal Virgins threw into the Tiber from the *Pons Sublicius* twenty-four *Argei*, which were figures of men made of rushes. These figures probably took the place of the sexagenarians who were actually thrown into the Tiber in the early days of human sacrifice.

21. **si prodierit**: *i.e.* as witness.

22. **proditurum esse**: sc. *eum* as subject. **audiet**: Cicero threatens that in his cross-examination of the witnesses on the opposite side (*testium interrogatio*) he will bring to light all the crimes of Capito, and in this way shake his credibility as a witness.

23. **volumen**: "roll." **quod conscripsisse**: advocates were accustomed to "coach" their witnesses before the trial by giving them a list of the questions likely to be put to them by the opposite side; here, however, Cicero implies that Erucius intends knowingly to produce a lying witness, and that he has instructed him in the false evidence that he is to give.

26. **pro testimonio**: "as evidence."

27. **gravitatem**: "weighty personality."

28. **ad eius testimonium . . . accommodetis**: *i.e.* his character is so very good that, though you are on your oath, you will allow your verdict to be regulated and determined by his evidence.

XXXVI., §§ 102-105. ARGUMENT.—*Capito is about to give evidence against Sextus Roscius. Even men of the greatest renown were by the custom of our ancestors not allowed to give evidence in their own cause; yet here we have the very man who bought the property and contrived the murder about to come forward as a witness!*

[Consult the Index for **Scipio** (i).]

Ch. XXXVI.—1. **alter**: *i.e.* Titus Roscius Magnus. **ex ipsa caede**: "straight from the murder"; *ex* has here both a local and a temporal significance. **volucrem nuntium**: referred to as "Automedon" in 35, 8; here also there is a mythological reminiscence either of the winged Mercury, or of the eagle as Jove's "winged messenger."

2. **socium . . . magistrum**: Capito was the partner of Magnus in the distribution of the spoil, his master in the art of murder.

4. **apertum**: with *poneret*. **poneret**: potential as well as consecutive, "so that he himself could have made his own crime visible."

5. **alter**: *i.e.* Titus Roscius Capito.

7. **is**: subject of *dixerit*; it is separated from its verb so that *quod dixerit* may be contrasted with *quod fecerit*. **credendum**: sc. *sit*, which is not often omitted, though the omission of *est* is common. **utrum . . . ac non**: "whether . . . and not rather," sc. *id agatur utrum*.

8. **vindicandum sit**: sc. *necne*. **comparatum est**: = *institutum est*.

9. **ut in minimis rebus . . . de sua re non dicerent**: the usual expression would be *ut ne in minimis quidem rebus . . . de sua re dicerent*, but the simple *non* has often as much negative force as *ne . . . quidem*; thus *verbum non facere* = *ne verbum quidem facere*, *pedem non discedere* = *ne pedem quidem discedere*. **homines amplissimi**: to say nothing of people with a record so bad as was that of Capito.

10. **Africanus**: see Index, *s.v.* Scipio (i).

11. **tertiam partem orbis**: *i.e.* Africa, according to the traditional division of the world into Europe, Asia, and Libya or Africa. As a matter of fact the territory of Carthage, out of which the province of "Africa" was formed, occupied only a small part of the north coast of Africa as we know it.

12. **diceret**: contemporaneous with *ageretur*; the condition is one unfulfilled in the present: "if his own interests were now at stake, he would not be giving evidence." *Diceret* is not a past potential, denoting a possible case in the past (as is *poneret*, line 4 above).

14. **crederetur**: sc. *ei*; *crederetur* is impersonal.

19. **occidendum**: predicative use of the gerundive. At this point Magnus probably signified his indignation by some word or gesture; this would give an occasion for the direct attack.

21. **vide ne tibi desis**: "look out for yourself"; since you have as much at stake as Capito.

23. **stultissime**: Magnus betrayed his hostility to Sextus without being of service to his own party; his character was so doubtful that his mere presence in court was no support to the prosecution; and if he wished to appear later as a witness, his partisanship would make his evidence open to the gravest suspicion.

25. **muto**: *i.e.* if you are really an accuser, you should, like Erucius, have come forward openly as one.

27. **vestra cupiditas**: "that partisanship of yours," referring to the prosecution generally.

28. **esset**: potential; sc. *nisi in accusatorum subselliis sederes.* It might also possibly be consecutive, "more concealed than is usual."

29. **dedita opera**: = *de industria*, "of set purpose."

30. **a nobis**: = *pro nobis*, "for our advantage."

XXXVII., §§ 105-108. ARGUMENT.—*It was the Roscii who sent the tidings of the murder to Chrysogonus at Volaterrae, and who instigated Chrysogonus, under whose protection they were, to secure this property; for it was to the Roscii, and to them alone, that Chrysogonus gave a share of the plunder.*

[Consult the Index for **Volaterrae.**]

Ch. XXXVII.—2. ad Volaterras: the meaning of the preposition is "to the neighbourhood of Volaterrae," not simply "to Volaterrae." English idiom of course requires "*in* the neighbourhood of Volaterrae." But the difference here is very slight, as the phrase is a mere variation of the *Volaterras* of 7, 19.

3. **quadriduo . . . quo**: see notes on 7, 18.

6. **qui . . . rem**: put last for emphasis; the relative of course refers to *Chrysogonus*, not to *eius.* **norat**: *noverat.*

7. **rem**: "the facts of the case." **qui**: adverb, "how."

9. **cum audistis**: "whenever you hear"; in a subordinate sentence expressing a repeated action, when the principal verb is in the present tense, the perfect tense is used in Latin, as the action of the verb in the dependent clause is antecedent to that in the principal clause ("you hear before you speak"). The English idiom is to use the present in such cases. **audistis**: = *audivistis.*

12. **quod**: = *ut ob id*, the clause being consecutive. **suspicionem**: "a mere matter of suspicion," predicative accusative in agreement with *hoc*, "this fact," the direct object of *putetis.* *Suspicionem hoc putetis* is the reading of the MSS.; the numerous "emendations" of the various editors seem to be quite needless.

16. **a maioribus**: with *haberent.* **patronos hospitesque**: predicative, *multos veteres*, "many old families," being the direct object.

patronos: not in the sense of "advocates," but in that of "protectors." The ties of *patrocinium* and *hospitium* were hereditary.

20. **coniectura**: either (*a*) ablative of instrument, *opus est* being impersonal, or less probably (*b*) nominative, subject of *est*, *opus* being secondary predicate.

22. **indicii partem**: "a share in the object of the information," *i.e.* "a share in the property about which the information was given." The genitive is objective.

23. **in**: "in the matter of." Construe, *in istis bonis, qui sunt* [*ii*] *quibus* . . .

24. **dederit**: subjunctive in consecutive relative clause; *quibus* = *ut eis*. The whole question is a circumlocution for *quibus igitur in istis bonis partem Chrysogonus dedit?*, and in such circumlocutions the subjunctive is used, though the question has to do with a fact.

25. **num quisnam**: a negative answer is expected. *Num quisnam* is stronger ("was it anyone at all?") than the more usual *num quis*.

28. **Chrysogoni iudicio**: *i.e.* Chrysogonus has passed sentence on the Roscii, not in word, but in act; he would not have rewarded them so richly if he had not judged them to be murderers.

29. **pugna**: the murder of Roscius is again alluded to as a gladiatorial contest.

30. **operae pretium**: "worth considering"; *operae* is possessive genitive, lit. "the price of (one's) labour." **esset**: subjunctive in consecutive relative clause; *quod* = *ut id*. **fecerant**: see note on **34**, 18.

32. **nonne satis fuit**: "would it not have been enough?"; the indicative of *sum* and of some other verbs is used instead of the potential subjunctive; cp. **19**, 5.

33. **denique**: "at the most." **ut**: introducing final clause, "to do the thing handsomely." **honoris aliquid haberi**: sc. *nonne satis fuit?* **honoris**: "honorarium," "douceur." The genitive is partitive.

34. **tantae pecuniae**: genitive of quality, "of such great value."

37. **manubias**: properly "money obtained from the sale of booty"; here used for *praeda*. *Manubias* and *re cognita* ("after investigating their case") serve to continue the metaphors introduced by *in ista pugna* (line 29) and *iudicio* (line 28) respectively.

XXXVIII., §§ 109-112. ARGUMENT.—*It was Capito who prevented the other envoys from seeing Sulla; who betrayed their plans to Chrysogonus; who deceived his fellow deputies by his perfidy. In private matters the betrayal of a trust is regarded in law as a crime no less disgraceful than theft, and it is rightly so regarded.*

Ch. XXXVIII.—1. **in decem primis**: see 9, 11 and 26.

2. **vitam**: = *rationem vivendi*.

4. **integrum**: "inviolable."

6. **iudicatote**: "in that case you may consider," or "I give you leave to consider"; see note on 7, 8. **impedimento**: predicative dative; since *impedimento est* = *prohibet*, it is naturally followed by *quominus* and the final subjunctive.

9. **ne palam res agatur**: as would be the case if the envoys came before Sulla.

10. **sublata sit**: representing *sublata erit* of direct speech.

11. **capitis periculum**: see note on 2, 8. **illum**: sc. *Chrysogonum*, object of *acuere*, which is historic infinitive.

13. **monere ut caveret**: the sequence of the historic infinitive is always historic.

15. **depecisci**: "to bargain for."

17. **postremo**: "in short." **isto . . . intercessore**: "on his becoming surety," or "guaranteeing" that the *venditio bonorum* would be annulled. *Intercessor* generally means a "mediator" in money matters. It is also used (in the sense of "protester") of the *tribunus plebis* in the exercise of his veto.

18. **fide . . . perfidia**: "word . . . broken word."

20. **testimonium iis denuntiare**: "to subpoena them." The commanding by summons (*denuntiatio*) of the presence of witnesses was a right possessed by the prosecutor, not by the defendant. The evidence for the defence was purely voluntary. Had his client possessed the right of *denuntiatio*, Cicero would merely have said "if I produce them as witnesses." In civil cases compulsory evidence was barred altogether.

22. **rem mandatam**: "a trust." The *mandatum* was an agreement in virtue of which a man undertook to manage any business for another. The person who gave the charge was called *mandator*; he who undertook the charge was called *mandatorius* (or *qui recipit mandatum*). The *mandatum* belonged to the class of contracts known as "consensual," *i.e.* those entered into by a simple agreement between the parties. In case of non-fulfilment of the obligation, the mandatory was liable to an *actio mandati*, "trial for breach of trust," in which indemnification could be claimed either on the ground of premeditated fraud (*dolus malus*, in line 22 *malitiosius*) or want of due care (*negligentia*, in line 23 *negligentius*), since the mandatory had in the agreement promised "diligent attention." **malitiosius**: used instead of the positive for the sake of uniformity (as *negligentius* follows). *Dolus malus* did not admit of degrees, as did *negligentia*.

25. **non minus turpe quam furti**: since a condemnation in either case entailed the penalty of *infamia* or disqualification for various public duties.

27. **vicaria . . . supponitur**: "is substituted in place of," *vicaria* being predicative."

37. **quod te putas sustinere posse**: sc. and yet you want to shake off the burden as being too heavy to be borne. **quod minime videtur grave iis, qui minime ipsi leves sunt**: *i.e.* it is only those who have the most strength of character that find such burdens easy to be borne; hence the whole business only serves to betray the worthlessness of your character. The sense, however, is far from being satisfactory, and the conjecture *minime leve videtur* (*grave* being regarded as a gloss for *minime leve*) is a very likely one.

XXXIX., §§ 112-115. ARGUMENT.—*If mere carelessness in the discharge of an unimportant commission is punished with infamy, how should the treachery of Capito in such a serious matter as this be punished?*

Ch. XXXIX.—2. **mandat**: without an object, "entrusts a commission."

4. **hominis**: possessive genitive used predicatively.

6. **credidisset**: without an object, = *fidem habuisset.* **itane est?**: "is it not so?" The full question is *itane est an non est?*

8. **in re tanta**: constructed with *adfecerit* in line 10.

10. **is inter honestos homines atque adeo inter vivos numerabitur?**: *i.e.* such a man is not worthy of a place among honourable men, and in fact does not deserve a place among citizens at all.

12. **†etiam negligentia in crimen mandati iudiciumque infamia rei vocatur**: the MS. reading is *infamia revocatur.* Some editors strike out *mandati*, and others read *infamiae vocatur* for *infamia revocatur.* The emendation adopted in the text is that of Richter, and the words may be thus rendered—"even neglect is made a ground for a charge of breach of trust and for a trial, owing to the dishonour attaching to such conduct."

15. **publice**: = *ex decurionum decreto.* **commissa sit**: the subjunctive is chosen rather than the indicative, as the statement has a general reference, and is not merely confined to the particular case of Capito. The same remark applies to *laeserit* and the other subjunctives.

17. **legationis . . . caerimoniam**: this embassy had a *mandatum publicum*, but the "religious sanction" ordained by the *ius gentium* attached only to foreign embassies.

20. **transigeret atque decideret**: "should make a stipulation and come to an agreement," by means of a sum of money to be paid by way of indemnification for the loss of the confiscated property.

21. **fidem suam interponeret**: "should pledge his word," viz. that Sextus would recognise any agreement made by Capito.

22. **ille**: Capito. **recepisset**: "had definitely promised."

23. **tantulum**: "the merest tittle."

24. **per arbitrum**: mandate (*mandatum*) was a *bonae fidei* contract, that is to say, it was based upon the mutual trust of the contracting parties, and its settlement was a matter of equity rather than of strict law. The *actiones* or *iudicia* arising from this class of contracts were decided by an *arbiter* (arbitrator), not by a *iudex* (judge). While the *iudex* could only condemn or acquit in accordance with the strict legal instructions of the praetor, the *arbiter* did not give his decision till he had weighed the special circumstances of the case and the rival claims of the parties. **rem restitueret**: *i.e.* should pay damages in default of actual restitution. **honestatem omnem amitteret**: = *infamis fieret.*

28. **ex eo**: comprehensively, "of the objects of that trust."

31. **tantidem**: "at as little value."

XL., §§ 116-118. ARGUMENT.—*To deceive one's partner is considered, and rightly considered, as base a thing as to betray a trust. But Capito cajoled, deserted, and betrayed nine honourable men. It is in a life like his, and amid crimes like his, that you will surely find the crime with which the present trial deals.*

Ch. XL.—6. **rem communicavit**: "has entered into partnership." Partnership (*societas*) belonged like *mandatum* to the consensual contracts, and *bona fides* was in partnership, as in *mandatum*, the leading principle.

7. **per eius fidem**: sc. *datam et non servatam, i.e.* this partner has pledged his word and broken his pledge.

9. **tecti**: "reserved." **ad**: "towards," "with reference to."

10. **videant**: jussive subjunctive in semi-dependence on *necesse est.*

11. **qui**: adverb, "how."

12. **fefellisset**: subjunctive of reported definition, depending on *haberi oportere.*

20. **metuere non debuerunt**: "were in duty bound not to fear."

23. **parum**: with *cauti providique.*

26. **minatur**: *i.e.* with his evidence.

28. **flagitiis**: "dishonourable deeds," *i.e.* the betrayal of his fellow-ambassadors and of his trust.

29. **maleficium**: the "crime" of murder.

32. **putatote**: probably in permissive sense, "you may consider." **hoc**: sc. *scelus.*

33. **quod**: adversative, "nay, it."

35. †**quod illorum**: the reading of the MSS. is *quod de illorum*; many editors adopt the conjecture *si quo de illorum*, the inversion of the preposition being explained by the fact that there is a tendency to join *quis* (= *aliquis*) closely to *si.*

36. **quid tandem**: sc. *videtur vobis.*

38. **hic discipulus**; Cicero here turns to Magnus, and by this reference facilitates the transition to Magnus, who is dealt with in the next chapter.

XLI., §§ 119-121. ARGUMENT.—*Why did you, Titus Roscius, refuse, without any good reason, to give up the two slaves to be examined? These slaves were upon the scene at the time of the murder; hence your efforts to prevent their being given up afforded good grounds for suspicion.*

Ch. XLI.—1. **fidem**: "good faith," ironical.

3. **istis**: i.e. *ab adversariis*; but it is Magnus who is principally referred to, since he was *procurator* of Chrysogonus, into whose possession the slaves had come; moreover Cicero having exposed the faithless character of Capito now desires to throw suspicion on Magnus.

6. **res ipsa**: "the demand in and for itself," without reference to the persons who made it.

10. **dicerent . . . esset . . . putaret**: these verbs depend on *vixerunt*, the words *talesque a populo Romano putantur* being to a certain extent parenthetical, and denoting the result arrived at by the blameless mode of life of the *homines nobilissimi*. **esset**: the subjunctive is hypothetical (in the apodosis of a conditional sentence) as well as consecutive ("there would be no one . . ."), *quidquid dicerent* being protasis (*quidquid* = *si quid*). When the apodosis of a conditional sentence referring to present or past time is also consecutive, a periphrasis by means of the future participle with *fuerim* is usually resorted to, instead of the imperfect or pluperfect active; so that here we might have expected *futurus fuerit* for *esset*. An hypothetical imperfect is, however, sometimes found (as here),—a pluperfect very rarely.

12. **cuperet**: potential subjunctive. **dum**: = *dummodo*, "provided that."

16. **recusaris**: the object *rem* can easily be supplied. **cum occiditur Sex. Roscius**: "at the time when Sex. Roscius was killed"; the present is here employed with *cum* after a past tense almost in the sense of *dum* ("whilst"), a rare usage. (*Dum* meaning "during the time that" is regularly used with the present indicative.)

18. **quod**: = "the fact that," introducing a noun clause, subject of *suspiciosum est*. **oppugnari**: = *obsisti*, hence followed by *ne*.

21. **aliquid**: "something important."

22. **in dominos**: see note on 28, 16.

24. **de hoc**: "about him," *i.e.* Sextus Roscius.

25. **credo**: ironical.

27. **deliciarum . . . artium**: genitives of quality. **puerulos**: "pet slaves."

29. **operarios**: with special reference to field-work, "farm-labourers." **ex**: "fresh from."

30. **non est veri simile ut**: *veri simile* is constructed with *ut* only in negative or quasi-negative sentences.

XLII., §§ 122, 123. ARGUMENT.—*As regards Chrysogonus, I do not suspect him of the murder, or of a desire to conceal it. But I do say that the excessive influence of Chrysogonus is intolerable, and should be weakened.*

Ch. XLII.—1. **suine**: "of his own" as opposed to that of the Roscii.

2. **non vult**: = *recusat*. **minime**: referring to *sui*.

3. **non in omnes arbitror omnia convenire**: *i.e.* circumstances alter cases; in this instance the circumstances are such that we cannot regard Chrysogonus as implicated in the actual murder.

6. **meministis . . . distribuisse**: cf. Ch. 13. *Memini* is said to be used with the present infinitive and sometimes (as here) with the perfect infinitive of events, which the subject himself witnessed, with the perfect infinitive of events of which the subject was

not witness. A more likely explanation of the use of *memini* with present or perfect infinitive is as follows :—The present infinitive is used when there is a bare statement of the action, without reference to any definite point of time ; when, however, an action is regarded as completed or as a result, *memini* takes the perfect infinitive ; here translate "that the division of my case was made by me as follows." **crimen** : "the refutation of the charge."

7. **audaciam** : "the establishing of recklessness."

9. **erit** : "shall be proved to exist." **Rosciorum** : possessive genitive.

13. **ego sic existimo** : here begins a summing up of what was established in Ch. **41**.

14. **qui quaeri velit** : as Sextus Roscius does. The subjunctive is consecutive. **facta sit** : subjunctive in a clause dependent on an accusative and infinitive phrase ("sub-dependent" subjunctive).

15. **qui id recuset** : as Magnus does.

20. **dici potest** : "lends itself to treatment."

24. **si coepero . . . sit disserendum** : when the future or future-perfect is used in the protasis, the future indicative is normally used in the apodosis ; and when the present subjunctive is used in the apodosis, the present subjunctive appears also in the protasis. Here the future-perfect indicative is used in the protasis and the present subjunctive in the apodosis ; this is because in the protasis ("if once I begin") the idea of futurity is prominent ; Cicero wishes to emphasise, almost by way of a threat, the fact that he can begin to speak, and will do so if he chooses, whereas in the apodosis the bare possibility of discussion is referred to.

XLIII., §§ 124-126. ARGUMENT.—*I hardly know what to say about Chrysogonus so as to avoid making others think that they are injured. He bought the property of Sex. Roscius ; but how could it be sold even according to the law about the proscriptions,—since Sex. Roscius was not one of the proscribed ?*

Ch. XLIII.—1. **nomen aureum Chrysogoni** : "the golden name Chrysogonus," *Chrysogoni* being genitive of definition. The name "Chrysogonus" is "golden" because it means "gold-born," and also because its owner had amassed much "gold" at the time of the proscriptions.

2. **sub quo nomine** : "the name under which." **latuit** : *i.e.* till Cicero dragged it to the light of day.

5. **ille** : the owner of the name.

7. **in communem causam sectorum** : "against the brokers as a body."

8. **magno opere** : with *dicendum* : "it does not seem at all necessary that I should make a special attack," etc.

11. **qua ratione** : "on what principle." **quo modo** : "in what way," "how," *i.e.* since the owner had not been proscribed. **venierunt** : distinguish the verbs *veneo* and *venio*.

13. †**si enim haec audientur ac libere dicentur**: this is the reading of the MSS., in place of which several needless conjectures have been proposed. Translate: "for if the time comes when people will listen to these complaints and they can be freely discussed." Cicero means that when that time comes,—and the "reign of terror" is too fresh in men's memories for it to come yet awhile,—the cases of the more important victims of the proscriptions will be taken before that of Sex. Roscius; all that is now asked is, how could the property of Sex. Roscius be sold contrary to the express wording of the law?

16. **qui**: adverb, "how." **ista ipsa lege, quae de proscriptione est, sive Valeria sive Cornelia**: the *lex Cornelia de proscriptione* seems to have been a kind of proclamation issued by Sulla at the time of the publication of the proscription list, which laid down rules about the property of the proscribed, etc. It was thus a *lex data* or magisterial enactment, not a *lex rogata*, or utterance of the people in their *comitia*; and since Sulla was not yet dictator, and the constitution was not yet suspended, such an act would have no binding force. The *lex Valeria* (see Introd., § 2), which conferred dictatorial powers on Sulla, was on the other hand a *lex rogata*, one duly passed by the *comitia centuriata*. Since it was retrospective in its nature and ratified all the acts which Sulla had done, his *lex Cornelia de proscriptione* would among his other acts be made legally valid. Cicero is therefore here justified in his expression of ignorance as to which of the two *leges* should be cited as regulating the proscriptions,—for the *Lex Cornelia* laid down the actual regulations, while the *Lex Valeria* gave validity to the *Lex Cornelia*. Cicero also seems to imply that, since both enactments were really the work of the all-powerful Sulla, they could not be distinguished by means of different names,—they were both in a sense *Leges Corneliae*.

19. **scriptum enim ita dicunt esse**: Cicero here (and also in 44, 10), somewhat ironically professes not to know the exact terms of the *Lex Cornelia*, since it had not been brought before the people; and though the *Lex Valeria*, which gave it formal validity, was ratified by the people, yet this ratification was but the "mockery of a free choice," for the people dared not refuse to ratify an appointment which Sulla had practically ordered the Senate to make.

21. **quo in numero**: i.e. *in quorum numero*.

23. **fuerunt**: perfect, as *dum* = "so long as," not "during the time that."

25. **si lege**: sc. *occisus est*.

27. **veteres leges**: according to the old *leges sacratae* a man who was declared accursed (*sacer*) was cut off from the fire and water of his tribe (*aquae et igni interdictus*) and any one could slay such an outlaw with impunity. Sulla applied this mode of punishment to his political opponents, by meting out rewards to those who slew, and punishments to those who harboured, proscribed persons. The reference in *novae leges* is especially to the *Lex Cornelia de proscriptione*. **occisum esse**: sc. *eum* as subject.

XLIV., §§ 127-129. ARGUMENT.—*It is about Chrysogonus, not about Sulla, that I am making these statements. Since the proscriptions and sales were to end on June 1st, and the murder took place some months after that date, either the property was never entered in the public accounts, or the public accounts were tampered with; for the sale could not have been a legal one.*

Ch. XLIV.—1. **in quem**: "about whom." **in eum**: "about him." Cicero, though throughout this part of his speech there is an undercurrent of feeling against the arbitrary measures of Sulla, takes care to avoid a direct attack upon the all-powerful dictator.

4. **ut**: "namely, that." The clauses introduced by *ut* are all substantive clauses explanatory of *haec omnia*. **ementiretur**: used absolutely, "he told lies."

7. **passus non sit**: *ementiretur*, *fingeret*, *diceret* are in the imperfect because they express the reiterated assertions of Chrysogonus; the perfect is here used because it denotes the single act which was the culmination and result of the repeated declarations.

10. **quam ad diem**: "an appointed day up to which"; *dies* is generally feminine in the singular when it means "a set day" or "appointed time." In the plural it is always masculine.

11. **Kalendas Iunias**: 81 B.C. See Introd., § 2. **aliquot post menses**: we might have expected the ablative of measure or degree of difference, *aliquot mensibus postea*; the accusative seems to be due to attraction to *post*. The same phenomenon occurs in the common *ante diem quintum*, etc., in dates.

13. **profecto**: "in any case." **haec bona**: *i.e.* the money accruing from the sale of the property. **nulla**: adverbial, "not at all," equivalent to an emphatic *non*. **redierunt**: literally "have come in" as revenue or income; *i.e.* "have been registered" in the State accounts.

15. **corruptae . . . sunt**: through the entry being made under a false date (*i.e.* one before June 1st).

17. **ante tempus**: since the *caput* or personality (under the charge of *parricidium*, the life) of Sex. Roscius was still in danger.

19. **reduviam curem**: "attend to a hang-nail" on the finger; *reduviam curare* was a proverbial expression for "to be busy about trifles."

22. **liberatus sit**: "sub-dependent" subjunctive, in dependence on an accusative and infinitive phrase.

23. **pro me ipso**: = *meo nomine*, "on my own account."

27. **sensu ac dolore**: hendiadys, "feelings of indignation."

28. **qua condicione**: = *qua fortuna*; he will be content with a bare acquittal on the charge of parricide.

29. **extrema oratione**: = *extrema parte orationis*. Adjectives like *summus*, *medius*, and *extremus*, instead of qualifying as a whole the substantives of which they are the attributes, often specify certain parts of those substantives.

XLV., §§ 130-132. ARGUMENT.—*Chrysogonus will do no good by referring my questions to his patron; for it is inevitable that Sulla, owing to the vast range of his undertakings, should be ignorant of many of the things that were done, for even Jupiter himself, owing to the vastness of the universe, cannot prevent disasters sometimes overtaking mankind, and the mind of man falls far short of the divine mind.*

Ch. XLV.—1. **remoto Sex. Roscio**: "leaving Sex. Roscius out of the question."

2. **civis optimi**: *i.e.* from the political rather than the moral standpoint.

9. **egerit**: "he will find that he has gained nothing by it"; the future-perfect expresses the certain result of an action in the future.

11. **placet**: "do we consider it right?"

17. **nocuit . . . delevit . . . perdidit**: *i.e.* as experience shows; instances of the "gnomic" perfect.

18. **pernicii**: an old form of the genitive for *perniciei*: others read *pernicies*, another form used by early writers.

19. **rerum**: "the forces of nature." Cicero here uses *magnitudo* instead of *necessitas*, because of the words (in line 10 above) *propter magnitudinem rerum*, "owing to the vast range of his undertakings." The comparison is a halting one; according to the ideas of the ancients it would not be the wide-reaching character of his government of the universe which prevented Jupiter from averting the calamitous events of nature, but the fact that even the gods could not hinder the course of her eternal laws.

23. **maiestatem . . . receperat**: which had been lost during the anarchy which prevailed during the rule of Cinna (87-84 B.C.).

24. **legibus confirmaret**: see Introd., § 2.

28. **nunc**: emphasises *cum maxime*; "just now," "at this very moment." 31. **cuius honoris causa**: ironical, as in **35**, 10.

32. **Erucius . . .** : there is here a lacuna in the MSS.; Cicero in this lost portion probably tried to prove that the property of Roscius had not been sold at all (cf. **44**, 8, *omnino haec bona non venisse*), and then proceeded to attack the luxurious and extravagant habits of Chrysogonus, which led him to acquire wealth by the spoliation of others.

XLVI., §§ 132-135. ARGUMENT.—*Chrysogonus has a palace on the Palatine, a suburban villa, many farms, and a house crammed with the plunder of the proscribed. He has a vast household of skilled slaves, in which luxury and extravagance are rife. He himself struts to and fro in the Forum and thinks that no one can be compared with him.*

[See the Index for **Corinthus, Delos, Palatium.**]

Ch. XLVI.—1. **aptam**: sc. *rem* or *fortunam*, or perhaps *villam*. Cicero here seems to be contrasting the luxury of Chrysogonus with the unassuming mode of life of the other freedmen of Sulla. **ratione**

dispositam: "arranged (or 'fitted up') in a reasonable manner" or "with due regard to reason," in contrast with the luxurious equipments of Chrysogonus, which exceeded all reasonable bounds. **habere**: "own."

2. **in Sallentinis**: "among the Sallentini," in the S. and W. of ancient Calabria (the "heel" of Italy). **in Bruttiis**: "among the Bruttii," the inhabitants of the southern point or "toe" of Italy.

4. **alter**: *i.e.* Chrysogonus. **tibi**: "see"; ethic dative, here used to express indignation.

5. **animi causa**: "for his enjoyment."

7. **domus referta**: anacoluthic use of the nominative (as though *ei sunt* instead of *habet* had preceded); possibly due to the ambiguous form *praedia*, which may be governed by *habet* or be nominative with *ei sunt* understood. **vasis Corinthiis et Deliacis**: *i.e.* of Corinthian or Delian bronze, a costly mixture of gold, silver, and copper, artistically wrought.

8. **authepsa**: a "self-acting cooking apparatus"; the word is Greek and means literally "self-boiler."

9. **enuntiare**: "to call out," "announce" the last and highest bid.

11. **caelati argenti**: partitive genitive with *quid*; so also the following genitives. **stragulae vestis**: the singular is collective; "stores of coverlets," for the *triclinia* or dinner-couches.

12. **marmoris**: this is not equivalent to *statuarum*, since the *signa* or "statues" have already been mentioned; the marble is used as wainscotting and as part of the mosaic design of the floors.

13. **esse**: English idiom requires "*must* be."

14. **familiis**: of the proscribed.

15. **familiam**: "household" of slaves. **artificiis**: "skill in arts or crafts." The cultivation by slaves and freedmen of the mechanical arts and crafts made the Roman noble's household self-sufficient.

17. **lecticarios**: "litter-bearers."

18. **cantu**: used both of vocal and instrumental music.

19. † **conviciis**: "clamours," "uproarious sounds," an emendation for *conviviis*, the reading of the MSS.; it is to be preferred, as *convivia* are referred to in line 21. If we retain *conviviis* we must assume that the banquets are referred to here chiefly on account of the noise that accompanied them, whereas in line 21 they are mentioned rather because of the licentious conduct of those who partook of them. 21. **vero**: "above all."

24. **composito**: "well-arranged," "trim."

25. **volitet**: "struts about."

26. **togatorum**: the *toga* was the distinctively Roman dress, and typified the dignity and self-respect of a Roman; *togati* is here used instead of *cives* with scornful allusion to the troop of citizens who danced attendance at the heels of the successful freedman.

27. **hominem**: predicative; "he thinks nobody even a human being except himself." **prae**: "compared with," *i.e.* "except."

28. **beatum**: of material prosperity.

29. **vereor . . . ne . . . existimet**: substituted for the regular

apodosis of *si velim*, which would require the present subjunctive. A general truth is thus indicated instead of a particular occurrence. So also below: *possum . . . si . . . placeat.*

31. **meo iure**: "with full right."

32. **in hac parte**: *i.e.* to which I myself belong. Cicero means that when with proper reason he finds fault with the nobility, he cannot be suspected of making an attack upon it, since he himself is on the side of that party. Cicero was himself an *eques.*

33. **alienum**: with *a causa*, "estranged from the cause."

XLVII., §§ 136-138. ARGUMENT.—*I did all I could to ensure the victory of the nobility, and I rejoice that it has triumphed. I approve of bestowing rewards where they are due; but I say that the Roman people was crushed, not restored, by the war, if they waged it only for the purpose of alluring low-born freedmen to enrich themselves with the property of others.*

Ch. XLVII.—1. **pro mea . . . parte**: "to the best of my ability."

3. **ut componeretur**: noun clause, in apposition to *id*, subject of *fieri non potuit.* **componeretur**: impersonal use of the passive, though *compono* is a transitive verb, "that an agreement should be come to." **ut ii vincerent**: noun clause, in apposition to *id*, object of *defendisse.*

4. **humilitatem . . . dignitate**: abstract for concrete; "men of mean birth and disposition . . . men of rank and moral worth."

5. **de amplitudine**: *i.e.* for the possession of the highest offices in the state.

6. **perditi civis**: predicative genitive. **erat**: "would have been," cf. 19, 5.

7. **quibus incolumibus**: ablative absolute, here equivalent to a conditional clause, *qui si incolumes essent* (protasis of *retineretur*).

11. **felicitate L. Sullae**: with reference to his title of *Felix.* See note on 1, 20.

12. **animadversum est**: the Italian communities, especially those in Samnium, who had fought so stubbornly against Sulla, and had even aimed at the destruction of Rome, were punished by having their fortifications demolished, their liberties cancelled, and their lands confiscated as *ager publicus.* **contra**: adverbial with *pugnarunt.*

13. **viris fortibus**: the Sullan veterans. Sulla distributed the confiscated lands of the Italians among his veterans, whom he settled upon the country, "like colonists in a conquered province."

16. **me in eo studio partium fuisse**: literally "that I belonged to the party in that zeal," *i.e.* "that it was for that object that I belonged to the party." **partium**: predicative genitive.

17. **id . . . id circo**: explained by *ut . . . facerent.*

18. **homines postremi**: "the dregs of humanity."

XLVIII., §§ 138-141. ARGUMENT.—*The nobles have now recovered their proper power in the state; if they really wish to retain this power, they can easily do so; but not if they make common cause with Chrysogonus, and submit to the domination of a freedman.*

Ch. XLVIII.—1. **haec**: "the present government." **tantum**: accusative of the extent of the action of *possum*.

2. **concessum ei non esse**: Cicero means that it is only those who find fault with the present government that complain about the power of Chrysogonus, and so try to create discontent; those who praise it maintain that such great power is only usurped, and that the sooner it is set aside the better.

3. **commemorant**: "they remind us" (= *in memoriam revocant*). **quod**: = *ut ob id*, with consecutive subjunctive, "there is no reason why anyone should be," etc.

5. **vellem . . . dixissem**: potential subjunctives. **liceret . . . dicas**: jussive subjunctives in semi-dependence on *vellem* and on *licet* respectively.

7. **decrevissem**: used sometimes (as here) of the opinions and votes of single senators, but more often of the "decrees" of the Senate as a body. **modo**: = *dummodo*, sc. *decernas*.

8. **iudicassem**: *i.e.* in the capacity of a judge.

10. **omnia**: accusative of the extent of the action of *possum*. **magistratus creavit et leges constituit**: referring to the Sullan reforms; see Introd., § 2. 11. **procuratio**: "official duty."

12. **est restituta**: as a matter of fact the effect of the Sullan constitution was to place the magistrates under the control of the Senate. **retinere . . . obtinere**: "to retain . . . to maintain." **volunt**: not *volent*, in spite of the future *poterunt* in the apodosis; the "wish" is considered as already in existence.

16. **nostri isti nobiles**: not without a tinge of disdain; Cicero belonged to the conservative party, but he had not a very high opinion of the majority of the individuals who formed that party.

18. **haec**: = *hae virtutes* (*vigilantia*, etc., to be supplied from the corresponding adjectives). **ornamenta**: the "prerogatives" conferred by their position, viz. the right of holding curule office and of serving as judges in the criminal courts. **concedant**: only a few years after the date of this speech the senators had to share the law-courts with the *equites*, and the power of the tribunes was revived.

19. **desinant**: jussive subjunctive.

20. **male**: in a political sense.

21. **suam causam . . . communicare**: "to identify their cause." **cum Chrysogono**: an abbreviation for *cum Chrysogoni causa*.

23. **videant ne . . . sit**: lit. "let them see to it that it is not," *i.e.* "perhaps it is."

24. **equestrem splendorem**: Gaius Gracchus in 123-122 B.C. transferred the law-courts (Introd., § 7) from the senators to the *equites*. This was the beginning of a long period of conflict between the two orders, since the senatorial governors of provinces, when charged

with extortion, were always liable to be condemned by the equestrian courts. In the Civil War (83-82 B.C.) the *equites* had as a body supported the democratic cause; and Sulla punished them by depriving them of their judicial functions.

25. **servi**: more scornful than *liberti*—Chrysogonus is of course referred to.

26. **in aliis rebus**: viz. in the proscriptions and confiscations.

27. **munitet**: subjunctive in dependent question; *munitare* is the iterative of *munio*. **quod iter adfectet**: *quod* is the reading of the MSS.; some editors change *quod* to *quo*, but *viam adfectare* is a regular phrase, and *quod iter* corresponds to *quam viam*, which immediately precedes. The expressions are doubtless borrowed from one of the comic poets.

30. **aliquid**: accusative of the extent of the action of *posse*.

32. **hoc**: ablative of cause, = *eo*, "for this reason," anticipating *quod*, "because." **verear**: subjunctive denoting the cause assigned at the time of the action described in the principal sentence. Here it denotes the unreal or false cause; while the indicative *ausus est* (line 33) is used of the real or true cause.

33. **ausus est**: used absolutely, "had the daring," "been so daring," "dared so much."

XLIX., §§ 141-144. ARGUMENT.—*If the victory of the nobles ought to be an advantage to the commonwealth, my speech should be acceptable to all right-minded men. Anyone who thinks that I, by finding fault with Chrysogonus, injure the good cause, shows that he does not really understand what that cause is. As for my client, he accuses no one, and makes no complaint of the loss of his property. All he wants is to be acquitted of this charge, and to be allowed to pass his life in honourable poverty.*

Ch. XLIX.—1. †**experrecta**: "roused," as from a long slumber; a conjecture for the reading of the MSS. *expectata*, "long-expected," which would refer to the time when Sulla was in the East. Perhaps the correct reading is *excitata*. **rem publicam**: "the government."

2. **servuli**: the diminutive is used contemptuously.

4. **hoc**: *i.e.* the victory of the nobility.

5. **maluerim**: sub-dependent subjunctive in a relative clause dependent on the accusative and infinitive phrase *me errasse*; but in any case the subjunctive would be required, as the relative clause is causal.

6. **inermis**: though I took no actual part in the fighting. **ornamento . . . emolumento**: predicative datives.

10. **causam**: *i.e.* of the nobility.

11. **is causam ignorat**: since the cause has nothing to lose but everything to gain by opposing such contemptible creatures. †**se ipsum probe novit**: Madvig's emendation of *se ipsum prope non novit*, the reading of the MSS. The meaning is that such a one, though ignorant of the true nature of the aristocratic cause, realises,

by the mere fact that he associates that cause with Chrysogonus, the real baseness of his own character.

13. **rationem**: "interest."

14. **communicatam**: = *communem*. †**cum laeditur**: for *laeditur, cum*, the reading of the MSS. The meaning is that he feels himself injured because the cause of the nobility is recognised as distinct from the interests of Chrysogonus; he *ipso facto* cuts himself off from his party and ceases to belong to the aristocracy. **ab hoc splendore causae**: = *ab hac splendida causa*.

16. **haec omnis oratio**: "all this part of my speech." **mea**: "spoken on my own account." Cicero wishes to shield his client from the consequences of any unfavourable effect which the orator's free expression of opinion may have upon the judges.

17. **res publica**: "the interests of the state." **istorum**: subjective genitive with *iniuria*, "the wrongs done by these men."

20. **imperitus morum**: "ignorant of the ways of men," *i.e.* "ignorant of the world."

21. **iure gentium**: not "international law," but the common rules of right and wrong recognised by all nations; "right common to all nations."

24. **careat**: subjunctive representing present indicative of direct speech.

26. **in suam rem**: "to his own use."

28. **anulum**: the gold signet ring which Roscius had a right to wear as a member of the equestrian order. He would deliver it up as a token that he renounced all the rights and claims of his family.

30. **excepit**: a legal term; in surrendering his father's goods he made an "exception" or "reservation" in favour of his own body, on the ground that it was private property.

L., §§ 145-147. ARGUMENT.—*Why, Chrysogonus, should you seek to slay Roscius, now that he has nothing left which you can rob him of? If you are striving to destroy the son because you have the father's possessions, do you not show that you are afraid lest the children of the proscribed may regain their father's property? This betrays a lack of confidence in the efficacy of Sulla's laws.*

Ch. L.—1. **praedia . . . obsto**: in lines 1-7 we have an instance of *sermocinatio*, in which the advocate identifies himself with his client. After *obsto* (line 7) the orator speaks again in his own person, and continues his attack on Chrysogonus.

8. **hominem**: = *eum* (*i.e.* Roscius). Chrysogonus is the person addressed.

15. **praeter ceteros**: "before all others," "more than all others"; with the negative (*non*) "less than all others." **tu metuere non debeas**: *i.e.* because Sulla would never rob his favourite freedman of property he had once acquired.

16. **debeas**: subjunctive in a relative clause depending on the accusative and infinitive phrase *id te vereri*. **ne**: "namely, that."

17. **facis iniuriam**: sc. *Sullae*, since he had already, in his laws regulating the proscriptions, provided that the children of the proscribed should never be able to recover their ancestral property. *facere iniuriam* usually takes the dative.

18. **emptionis tuae**: *i.e.* for the permanent validity of your purchase. **in iis rebus, quas L. Sulla gessit**: Sulla's triumph over the democratic party had been so complete that there was no need to fear a reaction and the consequent repeal of his legislation relating to the proscriptions.

20. **velis**: consecutive subjunctive, *cur* = *ut ob eam*.

27. **nihil audere**: with the view of regaining his property.

28. **contra rem tuam**: "against your interests."

30. **reliqui**: partitive genitive, in dependence on *quicquam*.

34. **Balearici**: Quintus Caecilius Metellus, who in 123 B.C. by his occupation and colonisation of the Balearic Isles gained the *agnomen* Balearicus. **Nepotis**: Quintus Metellus Nepos, consul in 98 B.C., and one of the two proposers of the *Lex Caecilia Didia* of that year, a law designed to prevent hasty legislation, and the combination of different measures in a single bill.

36. **amplissimos patruos**: viz. Lucius Metellus Diadematus, consul in 117 B.C.; Marcus Metellus, who in 114 B.C. crushed a rebellion in Sardinia, and was consul in the following year; and Gaius Metellus Caprarius, who as consul in 113 B.C. was successful against the Thracians, and enjoyed a triumph on the same day as his brother Marcus.

37. **cum esset mulier**: concessive, "woman as she was." **virtute**: "manly qualities"; the word is purposely selected with reference to *mulier*.

LI., §§ 148, 149. ARGUMENT.—*The defence of Roscius is not so strong that his opponents need complain of undue influence. It was Messala who took up his case, and if the other nobles were like Messala, it would be better for themselves and for the State.*

Ch. LI.—2. **hospitiis . . . hospites**: see note on 6, 4.

4. **copiose**: "abundantly," as regards the number of *patroni* and *advocati*. **pro . . . pro**: "proportionate to . . . in view of."

5. **summa res publica**: "the highest interests of the State," in this case, the fate of all the children of the proscribed.

9. **potentia**: "through undue influence."

10. **fori iudiciique rationem**: = *res in foro iudicioque gerendas*, *ratio* means "reference," "relation," then "what has reference to," "department," "sphere," "province."

11. **M. Messala**: either the Messala who became consul in 61 B.C., or the Messala who became consul in 53 B.C. The former would be about as old as Cicero himself, but the person here referred to is represented as being much younger; the latter is therefore probably meant; he would be about sixteen at the date of this speech, and had therefore just assumed the *toga virilis*, or gown of manhood.

13 **impedimento**: predicative dative.

14. **sua causa**: "in his behalf." The phrase *alicuius causa cupere* is most easily explained by the ellipse of an infinitive such as *facere* or (as here) *suscipere*.

15. **adsiduitate**: = *adsidua praesentia in iudicio*; "by his constant attendance in court," with reference to the preliminary proceedings before the praetor or *iudex quaestionis*.

18. **pro hac nobilitate**: "for nobles like Messala," *i.e.* for nobles of the better kind, not those who in **48, 16** are referred to as *nostri isti nobiles*.

20. **in civitatem**: "to their rights as citizens" which they had lost through their exile during the rule of Cinna and (after his death) of Carbo and the younger Marius (87-82 B.C.). **facerent . . . defenderent . . . resisterent . . . mallent**: potential subjunctives.

22. **quantum possent**: object of *ostendere*; "the greatness of their power"; *possent* is subjunctive in a dependent question.

25. **ex invidia minus laborarent**: "would be less harassed in consequence of unpopularity," *i.e.* "would suffer less from unpopularity."

LII., §§ 150-152. ARGUMENT.—*If Chrysogonus is not content with the property of Roscius, but seeks to take his life also, our only hope lies in your time-honoured kindness and mercy. If this fails us, it is all over. But surely this court, which represents the Roman people, will never become the refage of brokers!*

Ch. LII.—3. ut . . . ne: an emphatic *ne*; see note on **2, 4**.

5. **satis . . . habet**: "considers it sufficient," with infinitive (*explere*) as object.

8. **pristina**: "proved in time past."

12. **†reddit**: this is the reading of the best MSS.; most editors change to *reddidit*, but the present is preferred on account of *fieri potest*, and also *manet* in line 10. **actum est**: sc. *de nobis*.

13. **satius est**: "it were better"; cp. *longum est*, "it would be a tedious task," and see note on **36, 32**.

16. **potuissent**: subjunctive in consecutive relative clause.

17. **hoc**: explained by the noun clause *ut . . . collocent*, which is the real object of *facere*.

19. **si qui ex acie fugerint**: this clause forms the subject of *incidant*; "any who escape from the battle."

21. **excipiatis**: subjunctive in final relative clause. The metaphor is borrowed from hunting; *excipere* means to "receive" a hunted animal with the spear as it breaks from the covert.

23. **consilium publicum**: this name is here used of the *iudices* in the *quaestio*; since the magistrate sits with the jury and pronounces the verdict, the jury is regarded as his *consilium*; the *consilium* is *publicum*, as it represents the people; in the same way the standing courts or *quaestiones perpetuae* were known as *iudicia publica*

(Introd., § 7). In 53, 8 the words refer to another council summoned to assist a magistrate, viz. the Senate, and this is the usual meaning of *consilium publicum*. The words are specially applicable to the jurymen in the standing courts, since they now consisted entirely of senators. **voluerunt**: indicative in a relative clause dependent on a subjunctive clause The clause is here introduced by the speaker as an independent declaration of fact.

26. **tollantur**: lest, in accordance with the swing of the political pendulum, they may again recover the estates of which they had been deprived. **in**: "in the case of." **vestro iure iurando**: = *vestris sententiis*, which will form a precedent for future verdicts.

30. **accusatorem**: not Erucius, but T. Roscius Magnus, who was an *accusator mutus* (36, 25).

32. **consistere**: "to be fixed," "to attach itself."

LIII., §§ 153, 154. ARGUMENT.—*Beware of setting on foot a second proscription which will have far more disastrous effects than the first. Do your duty as wise men, and put an end to the cruelty of citizen towards citizen, which, by making even the most merciful familiar with atrocious deeds, causes them to lose all human feeling.*

LIII.—1. **id**: here the speaker returns to the point at the beginning of the previous paragraph.

6. **arma capere potuerunt**: and so were not, as in the present case, defenceless children.

7. **suscipere noluit**: Sulla's *Lex Cornelia de proscriptione* was a *lex data* (see note on 43, 17), and was therefore not sanctioned by the Senate and carried by the *comitia*; but Sulla seems to have endeavoured to induce the Senate to give its *auctoritas* or sanction to his regulations about the proscription. **more maiorum**: according to which questions concerning the *caput* or status of a citizen could only be decided by the people in the *comitia centuriata*; thus it was only by the verdict of the people that a man could be outlawed and his property confiscated. **comparatum est**: indicative, though the clause is dependent on a subjunctive dependent clause. The indicative seems here to be preferred, so that the actual fact may be brought prominently before the audience.

12. **rem publicam perventuram putetis**: this is not merely equivalent to *res publica perventura sit*. *Putetis* is not redundant. Cicero wishes to appeal to the jurymen's own *opinion* of the disastrous effects which must ensue if they countenance this second proscription. 14. **estis**: sc. *praediti*.

17. **domestica**: = *in cives*, "cruelty exercised towards fellow-citizens."

20. **mali**: partitive genitive with *id*, "this much evil."

22. **incommodorum**: a euphemism for "disasters."

24. **adsiduitate malorum**: "through constant misery." **sensum omnem humanitatis**: "every feeling of humanity," "all human feeling."

INDEX

OF PROPER NAMES.

A.

Africanus, -i, m. : see **Scipio**.

Ameria, -ae, f. : now *Amelia* ; a *municipium*, or country town of Roman citizens, in Umbria, near the junction of the Tiber and the Nar, and about fifty miles due north of Rome.

C.

Caecilius, -i, m. : Statius Caecilius, an Insubrian Gaul, brought as a prisoner to Rome, became one of the most successful of the old Latin comic poets. His plays were adaptations from Menander and other Athenian dramatists of the New Comedy. He died about 160 B.C.

Cannae, -arum, f. : a village in Apulia, on the E. side of the Aufidus ; here Hannibal won a great victory over the Romans (216 B.C.).

Capitolium, -i, n. : the Capitoline hill, the most westerly of the seven hills of Rome, consisted of two heights ; the northern height was occupied by a fortress called the *Arx* (Citadel), the south-west height was the *Capitolium* proper ; on it was built the great temple of Jupiter Capitolinus.

Cassius, -i, m. : Lucius Cassius Longinus, tribune in 137 B.C., consul in 127 and censor in 125. As tribune he promulgated the *Lex Cassia tabellaria*, which introduced the use of the ballot for verdicts in the criminal courts. As a judge Cassius was noted for his severity. He was the author of the expression *cui bono?* which became proverbial.

Chrysogonus, -i, m. : Lucius Cornelius Chrysogonus, a favourite freedman of Sulla, who had grown enormously rich at the expense of the victims of the proscriptions. He was the hidden mover of the accusation against Sex. Roscius.

Corinthus, -i, f. : a commercial city, on the isthmus of the same name, destroyed by Mummius in 146 B.C. It was famous for its works of art made of Corinthian bronze, an alloy of gold, silver, and copper.

D.

Delos, -i, f. : a small island in the Aegean Sea, one of the Cyclades, lying in the middle of the group. It was celebrated for its bronze, which resembled that of Corinth.

F.

Fannius, -i, m. : Marcus Fannius presided as praetor (80 B.C.) over the *quaestio inter sicarios* by which Roscius was tried. He had some time before presided as *iudex quaestionis* over a special commission to try a case of murder.

Fimbria, -ae, m.: Gaius Flavius Fimbria, a demagogue of low birth, took a prominent part in the massacre of the Optimates in 87 B.C. by Marius. In 86 he was made legate of L. Valerius Flaccus, when the latter was dispatched by Cinna to the East to supersede Sulla in the command against Mithradates. In 85 Fimbria headed a mutiny in which Flaccus lost his life; he then assumed command of the troops. In 84 Fimbria's soldiers deserted to Sulla, who had by this time arranged terms of peace with Mithradates; Fimbria himself fled to Pergamum, and there committed suicide.

Furiae, -arum, f. : three goddesses of vengeance (Allecto, Megaera, and Tisiphone) who were supposed to pursue and punish murderers of near relatives.

M.

Marius, -i, m. : Gaius Marius, the great soldier, was born at Arpinum in 157 B.C. He distinguished himself greatly at the siege of Numantia, in Spain (134 B.C.), conquered Jugurtha, king of Numidia (105), and by a victory over the Teutones at Aquae Sextiae (102) in his fourth consulate, and by another over the Cimbri at Vercellae in his fifth, in the following year, saved Italy from being overrun by barbarian hordes. In 100 he was consul again, and had to crush by force of arms the outbreak of the demagogues Saturninus and Glaucia, by whose aid he had become consul. He served in the Social war (90-88), but the command in the Mithradatic war (88) was given to his rival Sulla, who drove him into temporary exile. In the absence of Sulla in the East, Marius returned, joined Cinna, who meanwhile had led the democratic party, effected an entry into Rome (87), and massacred his opponents. He proclaimed himself and Cinna consuls for the ensuing year, but died on the eighteenth day of this, his seventh consulship.

Metellus, -i, m. : (1) Quintus Caecilius Metellus was consul in 123 B.C. ; he conquered and colonised the Balearic Islands, and so won the surname of Balearicus. (2) Quintus Caecilius Metellus Nepos was consul in 98, and was in that year one of the proposers of the *Lex Caecilia Didia*.

P.

Palatium, -i, n. : the Palatium, or Mons Palatinus, the central hill of the seven hills of Rome, was the site of the original city. In later days it was covered with important buildings, public and private. On its northern slope was the temple of Iuppiter Stator, looking over the Forum. Cicero's house was on the N.E. edge. Near it was the house of the orator Hortensius, which afterwards became the imperial residence of Augustus and his successors, and which also bore the name of Palatium (the "Palace").

Phrygia, -ae, f. : a region comprising most of the N.W. portion of Asia Minor, and so including the Troad or territory of Troy. The adjective *Phrygius* is often used by poets as equivalent to "Trojan."

S.

Scaevola, -ae, m. : Quintus Mucius Scaevola, Pontifex Maximus, was a great lawyer and an upright man. As consul in 95 B.C. he sought to purify the elections and prevent the undue influence of Italians in the Comitia by proposing the *Lex Licinia Mucia*, which prohibited non-citizens from claiming the franchise. In 82 he was killed by the praetor Damasippus, just before the democrats evacuated Rome in consequence of Sulla's victory at Sacriportus.

Scipio, -onis, m. : (1) Publius Cornelius Scipio Aemilianus Africanus Minor, son of Lucius Aemilius Paulus, the conqueror of Perseus of Macedonia, was adopted by a son of Scipio Africanus Maior, the conqueror of Hannibal. In 146 B.C. he destroyed Carthage, and so brought the Third Punic War to an end ; by this success he earned of right his adoptive grandfather's title of Africanus. In 142 he was censor, and being elected consul for 134, in the following year he captured Numantia in Spain, which had held out for ten years against Rome ; Scipio thus completed the conquest of the country. His approval of the murder of Tiberius Gracchus cost him the favour of the people ; and in 129, after a violent scene in the Senate, he was found dead in his bed, the democratic leader Carbo being suspected of the murder. Unlike the elder Africanus, he was severe and simple in his life, and though a lover of Greek literature he was attached to all that was best in the old Roman character. (2) A P. Scipio is mentioned in Ch. XXVIII., line 19 ; he may have been Publius Cornelius Scipio Nasica, nephew of the Nasica who led the crowd of knights and gladiators by whom Tiberius Gracchus and his associates were killed (133 B.C.). He was praetor in 94 B.C.

Servilius Lacus : an artificial basin situated near the Basilica Iulia, at the point where the Vicus Iugarius enters the Forum.

Solon, -onis. m. : a great Athenian reformer and lawgiver. He was commissioned in 594 B.C. to draw up a code of laws for the state. He was the founder of the Athenian democracy, and his constitution and laws remained in force for many years ; even in

Roman times the Solonian code of laws was in use at Athens. Solon was also one of the seven wise men of Greece, a great traveller, and a poet.

Sulla, -ae, m. : Lucius Cornelius Sulla was born of patrician parents in 138 B.C. He served as quaestor under Marius in Africa (107-105), and captured Jugurtha (105); under the same general he distinguished himself in the conflict with the Cimbri and Teutones (103-101). During the Social War (90-88) both Marius and Sulla took an active part against the allies, but Marius was eclipsed by his younger rival. At the conclusion of the war Sulla, as consul, received the command against Mithradates, and forced Marius to flee from Rome. He set out for the East in 87, stormed Athens and defeated the troops of Mithradates at Chaeronea (86), and again at Orchomenus (85). In 84 he concluded peace with Mithradates and the next year returned to Italy. He had now to fight the democratic party: by the battle of Sacriportus (82) he gained possession of Rome, and by that of the Colline Gate (82) he completely crushed his opponents. By his executions and proscriptions he almost extirpated the democratic party. In 81 he was appointed dictator by a law of the people, and as dictator he promulgated the *Leges Corneliae* (81), by which the ancient authority of the Senate was restored and the criminal law was codified. In 79 he resigned his dictatorship and retired into private life; in 78 he died.

T.

Tarracina, -ae, f. : modern Terracina, a town in S. Latium, in very ancient times called Anxur. Originally an Etruscan colony, it was for a time a stronghold of the Volscians. In 329 B.C. it was made a Roman burgess colony.

Trasumennus Lacus: the Trasimene lake in Etruria, between Cortona and Perusia; here Hannibal in 217 B.C. defeated the Romans with great slaughter.

U.

Umbria, -ae, f. : a district of N. Italy lying between the Tiber and the Apennines, and separated by the Tiber from Etruria.

V.

Veiens Ager: the territory that had once belonged to Veii, an ancient city in S.E. Etruria, and in early times a rival of Rome. The town was captured by Camillus in 396 B.C., and was then destroyed, but the *ager Veiens* was occupied by Roman settlers.

Volaterrae, -arum, f. : an ancient town in Etruria. It was a stronghold of the democratic party, and after the battle of the Colline Gate it held out against Sulla for two years (82-80 B.C.).

TEST PAPERS

ON

CICERO : PRO S. ROSCIO.

FIRST SERIES.

TEST PAPER 1. (Ch. 1-8.)

1. Translate :—(*a*) Ch. 2, lines 16-24, Is a vobis . . consumere.
(*b*) Ch. 6, lines 1-11, Sex. Roscius . . . defenditur.

2. Give the meaning of :—(*a*) conflare, (*b*) nondum ad rempublicam accessi, (*c*) facti suspicio, (*d*) in deferendo nomine, (*e*) sententiae iusque iurandum, (*f*) gratiosus, (*g*) de medio tolli, (*h*) societas.

3. Parse :—*surrexerim*, *consueverant*, *exstiti*, *deserar*, *nummum*, *defunctos*.

4. Translate the following, and explain the case usages of the words in italics :—

(*a*) Nam commoditati ingenium, gravitati aetas, *libertati* tempora sunt *impedimento*.

(*b*) Si *hoc* solum pugnatur.

(*c*) Opprimi me onere *officii* malo.

(*d*) Alter plurimarum *palmarum* vetus ac nobilis gladiator habetur.

TEST PAPER 2. (Ch. 9-17.)

1. Translate :—(*a*) Ch. 11, lines 15-23, Et forsitan . . . quam fides.
(*b*) Ch. 14, lines 1-9, Patrem occidit . . . debuit.

2. Give the meaning of :—(*a*) possessio, (*b*) re inorata, (*c*) licet hercules undique omnes mihi terrores impendeant, (*d*) ut erat furiosus, (*e*) primo quoque tempore, (*f*) in isto artificio accusatorio, (*g*) homines notos sumere odiosum est.

3. Translate the following, and explain the case usages of the words in italics :—

(*a*) Testes in hunc et accusatores huiusce *pecunia* comparant.

(*b*) *Audaciae* partes Roscii sibi poposcerunt ; Chrysogonus autem *potentia* pugnat.

(*c*) *Annos* natus maior quadraginta.

(*d*) Summam laudem *Sex. Roscio vitio* et culpae dedisse.

4. Parse fully :—*vellent*, *passus*, *oblatam*, *mallet*, *relegarat*, *nascerere*, *tribules*.

TEST PAPER 3. (Ch. 18-26.)

1. Translate :—(*a*) Ch. 19, lines 3-12, Exheredare . . . non arbitror.

(*b*) Ch. 24, lines 11-18, Nolite . . . repetant.

2. Give the meaning of :—(*a*) alias res agere, (*b*) criminose ac suspiciose, (*c*) vestro consessu et hoc conventu pro summa solitudine abuti, (*d*) portentum atque monstrum, (*e*) conclave, (*f*) in fabulis, (*g*) parentum poenae.

3. Translate, with comments on the syntax of the words in italics :—

(*a*) Mitto *quaerere*, qua de causa ; quaero qui *scias*.

(*b*) *Operae* pretium est.

(*c*) *Id aetatis* duo filii.

(*d*) Quid poterat tam esse suspiciosum? Neutrumne *sensisse*?

4. Translate, with explanatory notes where necessary :—

(*a*) Litteram illam, cui vos usque eo inimici estis, ut etiam kalendas omnes oderitis . . . vehementer ad caput adfigent.

(*b*) Credo . . . de me ne suspicatum quidem esse, quod antea causam publicam nullam dixerim.

(*c*) Quos nobis poetae tradiderunt patris ulciscendi causa supplicium de matre sumpsisse.

TEST PAPER 4. (Ch. 27-34.)

1. Translate :—(*a*) Ch. 27, lines 22-32, Qua in re . . . magistra est.

(*b*) Ch. 32, lines 19-27, Verum, ut fit . . . sustulerunt.

2. Give the meaning of :—(*a*) haec missa facio, (*b*) scopulum offendere, (*c*) una mercede duas res adsequi, (*d*) spes atque emolumentum, (*e*) fructus, (*f*) sescenti, (*g*) summa rerum, (*h*) medius fidius.

3. Translate, explaining the case usages of the words in italics :—

(*a*) Si *Ameria*, qui sunt ii? . . . Si Roma, unde eos noverat Roscius, qui Romam multis *annis* non venit neque umquam plus *triduo* fuit?

(*b*) Quaerere solebat *cui bono* fuisset.

(*c*) *Fori* iudiciorumque insolentia.

(*d*) Hoc *commodi* est.

4. Write two lines about each of the following :—(*a*) Ameria, (*b*) Erucius, (*c*) Lacus Servilius, (*d*) Phrygia, (*e*) Mallius Glaucia.

TEST PAPER 5. (Ch. 35-43.)

1. Translate :—(*a*) Ch. 35, lines 14-22, Audio praeterea . . . audiet.

(*b*) Ch. 40, lines 29-40, Etenim . . . gemina audacia.

2. Write down :—

(*a*) Accusative singular masculine present participle of *redeo*.

(*b*) Contracted form of the perfect infinitive active of *audio*.

(*c*) 3rd singular perfect subjunctive active of *imminuo*.

(*d*) 3rd singular perfect indicative of *depeciscor*.

(*e*) 3rd singular pluperfect subjunctive active of *fallo*.

(*f*) Contracted form of the 3rd singular perfect subjunctive active of *cognosco*.

3. Translate, explaining the syntax of the words in italics :—

(*a*) Intimi multa apertiora *videant* necesse est.

(*b*) Postulabant pro homine miserrimo atque infelicissimo, qui vel ipse sese in cruciatum dari *cuperet*, dum de patris morte *quaereretur*.

(*c*) Soletis, cum aliquid huiusce modi *audistis*, . . . dicere.

4. Give the meaning of :—(*a*) manubiae, (*b*) intercessor, (*c*) operae nostrae vicaria fides amicorum supponitur, (*d*) operarii, (*e*) in communem causam sectorum, (*f*) damnatus per arbitrum, (*g*) rem restituere.

TEST PAPER 6. (Ch. 44-53.)

1. Translate :—(*a*) Ch. 46, lines 4-10, Alter tibi . . . arbitrarentur.

(*b*) Ch. 53, lines 1-12, Quodsi . . . putetis.

2. Parse fully :—*venierint*, *nebulone*, *referta*, *decrevissem*, *mallent*, *exstitit*, *effugerint*.

3. Explain :—(*a*) nomen aureum Chrysogoni, (*b*) lecticarii, (*c*) ius gentium, (*d*) fori iudiciique ratio, (*e*) consilium publicum.

4. Write two lines each about :—(*a*) Bruttii, (*b*) Palatium, (*c*) vasa Corinthia, (*d*) Balearicus, (*e*) Sallentini, (*f*) Messala.

SECOND SERIES.

TEST PAPER 7. (Ch. 1-8.)

1. Translate :—(*a*) Ch. 3, lines 11-18, Sin aliud . . . consueverant?
(*b*) Ch. 8, lines 11-19, Neque enim . . . moliantur.

2. Translate and explain :—(*a*) nondum ad rempublicam accessi, (*b*) bona patris huiusce, quae sunt sexagiens, (*c*) in deferendo nomine, (*d*) post horam primam noctis.

3. Translate, with comments on the syntax of the words in italics :—

(*a*) A ceteris forsitan ita *petitum sit*, ut *dicerent*, ut utrumvis *salvo officio* facere se posse *arbitrarentur*.

(*b*) Etenim rectum putabat pro eorum honestate se pugnare, propter quos ipse honestissimus inter suos *numerabatur*.

(*c*) Ne diutius *teneam*, iudices, societas coitur.

4. Carefully explain the allusions in *two* of the following (without translating) :—

(*a*) Pro capite et fortunis alterius.

(*b*) Ex senatu in hoc consilium delecti estis propter severitatem.

(*c*) Longo intervallo iudicium inter sicarios hoc primum committitur.

TEST PAPER 8. (Ch. 9-17.)

1. Translate :—(*a*) Ch. 10, lines 19-28, Ita loqui . . . tradiderunt.
(*b*) Ch. 15, lines 6-15, Ille, quo modo . . . consumere.

2. Translate and explain any *four* of the following :—(*a*) iter ad sepulcrum patrium, (*b*) insutus in culleum, (*c*) diem Scaevolae dixit, (*d*) relegationis et supplicii gratia, (*e*) constat hunc certis fundis patre vivo frui solitum esse, (*f*) senex ille Caecilianus.

3. Translate *two* of the following, and comment on the mood or tense of the words in italics in the selected passages :—

(*a*) Etenim quis tam dissoluto animo est, qui, haec cum *videat*, tacere et neglegere *possit*?

(*b*) Eiusdem viri mors tantum potuit, ut omnes cives *perdiderit* et adflixerit.

(*c*) Quod supplicium satis acre repericturin eum, qui mortem *obtulerit* parenti, pro quo *mori* ipsum, si res *postularet*, iura divina et humana *cogebant*?

4. (*a*) Give a brief account of the history of *municipia*, and of their position and government in Cicero's time.

Or,

(*b*) Describe briefly the circumstances which led to the delivery of the *Pro Sex. Roscio.*

TEST PAPER 9. (Ch. 18-26.)

1. Translate :—(*a*) Ch. 22, lines 6-13, Intellexi . . . indignam videri.
(*b*) Ch. 26, lines 5-13, Noluerunt . . . litus eiectis?

2. Translate, with explanatory notes where necessary :—
(*a*) Atheniensium porro civitatis sapientissimum Solonem dicunt fuisse, eum, qui leges, quibus hodie utuntur, scripsit.
(*b*) Anseribus cibaria publice locantur, et canes aluntur in Capitolio, ut significent, si fures venerint.

3. Translate any *two* of the following, with comments on the grammar of the words in italics :—
(*a*) Neque ego haec *eo* profero, quo conferenda *sint* cum hisce, de quibus nunc quaerimus.
(*b*) Respirare visus est, quod non alius potius *diceret.*
(*c*) Id *erat* certi accusatoris officium, qui tanti *sceleris argueret*, explicare omnia vitia et peccata filii, quibus incensus parens *potuerit* animum inducere, ut naturam ipsam *vinceret.*
(*d*) Nonne videntur hunc hominem ex rerum natura sustulisse et eripuisse, cui repente caelum, solem, aquam terramque *ademerint*, ut, qui eum *necasset*, unde ipse natus *esset*, careret iis rebus omnibus, ex quibus omnia nata esse *dicuntur*?

4. Explain the allusions in *two* of the following :—
(*a*) Ut legem Remmiam putares aliquid valere oportere.
(*b*) Furiae domesticae.
(*c*) Prudentissima civitas Atheniensium, dum ea rerum potita est, fuisse traditur.
(*d*) Supplicium in parricidas singulare.

TEST PAPER 10. (Ch. 27-34.)

1. Translate :—(*a*) Ch. 30, lines 15-22, Tecum enim . . . fuisset.
(*b*) Ch. 34, lines 1-8, Videamus . . . oris tui.

2. Explain any *three* of the following :—(*a*) in quaestionem polliceri, (*b*) sectores, (*c*) declamare et commentari, (*d*) quaesitor, (*e*) Cassiani iudices, (*f*) inter sicarios.

3. Translate, with comments on the syntax of the words in italics :—

(*a*) Nam hoc totum ad Roscios pertinet, de quorum audacia tum me dicturum pollicitus sum, cum Erucii crimina *diluissem.*

(*b*) Qui omnes, quod ad me attinet, *vellem viverent*; nihil enim *mali* est canes quam plurimos esse.

(*c*) Video igitur causas esse permultas, quae istum *impellerent.*

4. Explain the allusions in the following :—

(*a*) Te pugna Cannensis accusatorem sat bonum fecit.

(*b*) Multos caesos, non ad Trasumennum lacum, sed ad Servilium vidimus.

TEST PAPER 11. (Ch. 35-43.)

1. Translate :—(*a*) Ch. 37, lines 29-38, Si nihil . . . concessisse?

(*b*) Ch. 39, lines 19-25, Si hanc ei rem . . . amitteret?

2. Translate the following, with comments on the grammar of the words in italics :—

(*a*) *Impedimento* est, quominus de his rebus Sulla *doceatur.*

(*b*) Quae posita sunt in suspicionibus (de quibus si *coepero* dicere, pluribus verbis *sit* disserendum), ea vestris ingeniis coniecturaeque committo.

3. Explain carefully *three* of the following :—(*a*) Automedon ille, (*b*) corona lemniscata, (*c*) testimonium alicui denuntiare, (*d*) mandatum, (*e*) capitis periculum.

4. Explain the allusions in the following (without translating) :—

(*a*) Africanus . . . suo cognomine declarat tertiam partem orbis terrarum se subegisse.

(*b*) Ista ipsa lege, quae de proscriptione est, sive Valeria est sive Cornelia.

TEST PAPER 12. (Ch. 44-53.)

1. Translate :—(*a*) Ch. 44, lines 10-16, Opinor enim . . . constat.

(*b*) Ch. 49, lines 23-31, Si hac indigna . . . degere.

2. Translate, with short notes where necessary, either (*a*) or (*b*) :—

(*a*) Quid praeterea caelati argenti, quid stragulae vestis, quid pictarum tabularum, quid signorum, quid marmoris apud illum putetis esse?

(*b*) Illam priorem [proscriptionem] quae facta est in eos, qui arma capere potuerunt, tamen senatus suscipere noluit, ne quid acrius, quam more maiorum comparatum est, publico consilio factum videretur.

3. Translate *two* of the following, with comments on the grammar of the words in italics :—

(*a*) O *rem* miseram atque acerbam ! neque mehercules *hoc* indigne fero, quod *verear* ne quid possit, verum quod *ausus est.*

(*b*) Dum necesse *erat* resque ipsa cogebat, unus *omnia* poterat.

(*c*) *Vellem* quidem *liceret* : hoc *dixissem.*

(*d*) Ego haec omnia Chrysogonum fecisse dico, ut *ementiretur*, ut malum civem Roscium fuisse fingeret, . . . ut his de rebus a legatis Amerinorum doceri L. Sullam *passus non sit.*

4. (*a*) Summarise briefly the chief points of Cicero's speech in defence of Roscius.

Or,

(*b*) Write a brief account of the Sullan Proscriptions.

REVISION.

TEST PAPER 13. (Ch. 1-17.)

1. Translate :—(*a*) Ch. 4, lines 1-7, His de rebus . . . periculum.
(*b*) Ch. 12, lines 3-13, Is cum . . . recepisset.

2. Translate, with comments on the expressions printed in italics, either (*a*) or (*b*) :—

(*a*) Te quoque magno opere, M. Fanni, quaeso, ut, qualem te iam antea populo Romano praebuisti, *cum huic eidem quaestioni iudex praesses*, talem te et nobis et rei publicae hoc tempore impertias.

(*b*) *Quadriduo, quo* haec gesta sunt, res ad Chrysogonum *in castra L. Sullae Volaterras* defertur ; bonitas praediorum—nam fundos decem et tres reliquit, *qui Tiberim fere omnes tangunt*—, huius inopia et solitudo commemoratur.

3. (*a*) Give some account of the *quaestio* by which Roscius was tried.

Or,

(*b*) Give a sketch of the criminal jurisdiction of Sulla.

4. Describe briefly the procedure before a *quaestio perpetua* on the day of the trial.

TEST PAPER 14. (Ch. 18-34.)

1. Translate:—(*a*) Ch. 20, lines 1-8, Accusatores . . . videatur.
(*b*) Ch. 29, lines 24-32, Ii denique . . . fuit?

2. Translate, with comments on the expressions printed in italics, either (*a*) or (*b*):—

(*a*) Quodsi luce quoque canes latrent, cum deos *salutatum* aliqui venerint, opinor, iis crura *suffringantur*, quod acres etiam tum *sint*, cum suspicio nulla *sit*. *Simillima est accusatorum ratio.*

(*b*) L. Cassius ille, quem populus Romanus verissimum et sapientissimum iudicem putabat, identidem in causis quaerere solebat, *cui bono fuisset.*

3. What were the rules relating to the evidence of (*a*) freemen, (*b*) slaves, before a *quaestio perpetua*?

4. (*a*) What were the different meanings of the word *parricidium* at different times? Discuss the penalty for the crime in 80 B.C.

Or,

(*b*) "The trial of Roscius is a proof of the corrupt state of society at Rome." Discuss and justify this statement.

TEST PAPER 15. (Ch. 35-53.)

1. Translate:—(*a*) Ch. 36, lines 10-19, Africanus . . . quaeritur.
(*b*) Ch. 46, lines 16-24, Mitto . . . omnium.

2. What do you know about the presidents of the *quaestiones perpetuae* under the reforms of Sulla?

3. Who was Chrysogonus, and how did he obtain his power? Discuss Cicero's references to him in the *Pro Roscio.*

4. (*a*) "The political importance of Cicero dates from the defence of Roscius." Show, by discussion of Cicero's conduct of the case, how this result was brought about.

Or,

(*b*) How does Cicero himself criticise the style of the *Pro Roscio*? Illustrate from the speech some of the statements he makes in this criticism.

VOCABULARY.

1. 3. surrexerim... surgo, surrexi, surrectum, 3, *to rise.*
ingenio ..... ingenium, -ii, n., *ability.*
4. auctoritate ..... auctoritas, -atis, f., *personal influence.*
6. conflatam ..... conflo, 1, (*to blow up, kindle*), *occasion.*
7. iniquitatem ... iniquitas, -atis, f., (*inequality*), *difficulty, peril.*
audent ..... audeo, ausus sum, 2, *to dare.*
8. taceant ..... taceo, 2, *to be silent.*
9. vitant..... vito, 1, *to shrink from.*
10. officiosior ..... compar. of officiosus, -a, -um, *obliging.*
12. praereptam ... praeripio, praeripui, praereptum, 3, (*to seize before another*), *snatch.*
13. reciperem ..... recipio, recepi, receptum, 3, (*to receive*), *undertake.*
15. amplitudo ..... amplitudo, -inis, f., *greatness, dignity.*
18. similiter..... adv., *in the same manner or degree.*
19. emanare..... emano, 1, (*to flow out*), *spread, become known.*
21. temere ..... adv., *at random, lightly.*
concedi ..... concedo, concessi, concessum, 3, *to make allowance for.*
22. occultum ..... occulo, occului, occultum, 3, *to conceal.*
23. accessi ..... accedo, accessi, accessum, 3, (*to approach*), *enter on.*
ignosci ..... ignosco, ignovi, ignotum, 3, *to pardon.*
24. adulescentiae .. adulescentia, -ae, f., *youth.*
25. cognoscendi ... cognosco, cognovi, cognitum, 3, *to inquire into.*
27. utrumvis ..... utervis, utravis, utrumvis, (*which of two you please*), *either.*
salvo ..... salvus, -a, -um, (*safe*), *unbroken.*
30. ignorare ..... ignoro, 1, (*not to know*), *to be blind to.*
31. aspernari ..... aspernor, 1, (*to despise*), *regard lightly.*
2. 1. patronus..... patronus, -i, m., *advocate, pleader.*
exstiti..... exsisto, exstiti, exstitum, 3, *to stand forth, come forward.*
5. desertus esset.. desero, deserui, desertum, 3, *to abandon.*
7. formido ..... formido, -inis, f., *dread.*
8. consueverunt... consuesco, consuevi, consuetum, 3, *to be accustomed.*

2. 14. nummum ... nummus, -i, m., (*coin*), *sesterce.*
17. alienam ..... alienus, -a, -um, *belonging to another.*
18. invaserit ..... invado, invasi, invasum, 3, (*to rush upon*), *seize.*
19. obstare ..... obsto, obstiti, obstitum, 1, *to be an obstacle.*
officere ..... officio, offeci, offectum, 3, *to be an impediment.*
21. incolumi ..... incolumis, -e, (*safe*), *living.*
22. copiosum ..... copiosus, -a, -um, *wealthy.*
obtinere ..... obtineo, obtinui, obtentum, 2, *to keep.*
eiecto ..... eicio, eieci, eiectum, 3, *to cast out.*
23. adeptus est ... adipiscor, adeptus, 3, *to obtain, get.*
24. effundere ..... effundo, effudi, effusum, 3, *to waste.*
scrupulum ..... scrupulus, -i, m. (*a small sharp stone*), fig. *scruple.*
25. stimulat ..... stimulo, 1, (*to goad*), *prick.*
pungit ..... pungo, pupugi, punctum, 3, (*to prick*), *gall.*
evellatis ..... evello, evelli, evulsum, 3, *to pluck out.*
26. nefariam ..... nefarius, -a, -um, (*wicked*), *ill-gotten.*
adiutores ..... adiutor, -oris, m., *abettor.*
27. profiteamini ... profiteor, professus, 2, *to confess.*
honesta ..... honestus, -a, -um, *reasonable.*
29. aliquanto ..... adv., (*by a little*), *somewhat.*
3. 3. resistatis ... resisto, restiti, restitum, 3, *to withstand.*
4. levetis ..... levo, 1, *to relieve.*
5. intenditur ..... intendo, intendi, intentum, 3, (*to point against*), *threaten.*
propulsetis .... propulso, 1, *to repel.*
7. reperietur ..... reperio, repperi, repertum, 4, *to discover.*
8. deferendo ..... defero, detuli, delatum, deferre, *to bring forward* (*e.g.* an indictment).
10. recusamus ..... recuso, 1, (*to demur*), *protest against.*
13. opimam ..... opimus, -a, -um, *rich.*
14. cumulus ..... cumulus, -i, m., (*a heap*), *increase, crown.*
15. idoneos ..... idoneus, -a, -um, *well-adapted.*
16. adsequantur ... adsequor, adsecutus, 3, *to secure.*
19. delecti estis ... deligo, delegi, delectum, 3, *to select.*
severitatem ... severitas, -atis, f., *integrity.*
22. maleficiis ..... maleficium, -ii, n., *iniquity.*
horrere ..... horreo, horrui, 2, (*to shudder at*), *dread.*
23. aucti ..... augeo, auxi, auctum, 2, (*to increase*), *load.*
4. 2. commode ... adv., *adequately.*
conqueri ..... conqueror, conquestus, 3, (*to complain*), *deplore.*
3. vociferari ..... vociferor, 1, *to proclaim.*
commoditati ... commoditas, -atis, f., (*fitness*), *adequacy.*
4. gravitati ..... gravitas, -atis, f., *impressiveness.*
8. venia ..... venia, -ae, f., *indulgence.*
9. fretus ..... fretus, -a, -um, *relying on.*
11. adlevabitis ..... adlevo, 1, *to support.*
studio ..... studium, -ii, n., *zeal.*
12. industria ..... industria, -ae, f., *energy.*

4. 13. deficiam ... deficio, defeci, defectum, 3, *to fail.*
16. abicere ..... abicio, abieci, abiectum, 3, (*to cast down*), *abandon.*
17. deponere ..... depono, deposui, depositum, 3, *to lay aside.*
19. praebuisti ..... praebeo, 2, *to show.*
21. impertias ..... impertio, 4, (*to bestow*), *render.*
5. 1. convenerit... convenio, conveni, conventum, 4, (*to assemble*), *throng.*
7. cottidiano ..... cottidianus, -a, -um, *daily.*
vindicationem.. vindicatio, -onis, f., *defence.*
8. vociferatione... vociferatio, -onis, f., (*loud call*), *appeal.*
11. vindicetis ..... vindico, 1, *to punish.*
13. cogitetis ..... cogito, 1, *to reflect on.*
14. prorumpere ... prorumpo, prorupi, proruptum, 3, *to burst out.*
15. insidiis ..... insidiae, -arum, f., *an ambush.*
17. subsellia ..... subsellium, -ii, n., *bench.*
18. tentatur..... tento, 1, *to try.*
23. egestatem ..... egestas, -atis, f., *destitution*
24. iugulare..... iugulo, 1, *to cut the throat of.*
25. ibidem ..... adv., *on the same spot.*
26. trucidetur ..... trucido, 1, *to slay.*
31. exponemus .... expono, exposui, expositum, 3, *to set forth.*
6. 1. municeps ... municeps, -ipis, m., *burgher.*
3. vicinitatis ..... vicinitas, -atis, f., *neighbourhood.*
4. hospitiis..... hospitium, -ii, n., *guest-friendship.*
florens ..... florens, -ntis, (*flourishing*), *prosperous.*
6. usus ..... usus, -ūs, m., (*use*), *intimacy.*
7. familias..... familia, -ae, f., (*family*), *house.*
9. praedones ..... praedo, -onis, m., *brigand.*
10. ereptum ..... eripio, eripui, ereptum, 3, *to wrest from.*
12. fautor..... fautor, -oris, m., *supporter.*
13. discrimen ..... discrimen, -iuis, n., *danger.*
15. opera ..... opera, -ae, f., *effort.*
18. constituta est.. constituo, constitui, constitutum, 3, *to establish firmly.*
recessimus..... recedo, recedere, recessum, 3, (*to withdraw from*), *quit.*
proscriberentur proscribo, proscripsi, proscriptum, 3, (*to advertise for sale*), *proscribe.*
21. exsultare..... exsulto, 1, (*to leap up*), *rejoice.*
32. lanistam..... lanista, -ae, m., *trainer.*
tiro..... tiro, -onis, m., (*a recruit*), *novice.*
7. 2. adsiduus..... adsiduus, -a, -um, *busy.*
3. rei familiari ... res familiaris, rei familiaris, f., *property.*
4. rusticae ..... rusticus, -a, -um (*belonging to the country*), *country.*
5. balneas ..... balneae, -arum, f., *public baths.*
cena ..... cena, -ae, f., *dinner-party.*

7. 7. pertineat .... pertineo, pertinui, —, 2, (*to reach*), *attach itself to.*
8. perspicuum .... perspicuus, -a, -um, *transparent.*
adfinem ..... adfinis, -e, (*bordering on*), *implicated in.*
9. iudicatote ..... iudico, 1, *to judge, set down as.*
10. tenuis..... tenuis, -e, (*slender*), *poor.*
11. familiaris ..... familiaris, -is, m., *acquaintance.*
13. diluculo ..... diluculum, -i, n., *daybreak.*
15. cisiis ..... cisium, -ii, n., *a light carriage.*
pervolavit ..... pervolo, 1, (*to fly over*), *speed.*
16. exoptatum ..... exopto, 1, *to long for.*
17. recentissimum. superl. of recens, -ntis, *fresh.*
18. extractum ..... extraho, extraxi, extractum, 3, *to draw out.*
ostenderet ..... ostendo, ostendi, ostentum, 3, *to show.*
quadriduo ..... quadriduum, -i, n., *a space of four days.*
20. bonitas ..... bonitas, -atis, f., (*goodness*), *productiveness.*
21. fundos ..... fundus, -i, m., *farm.*
22. inopia..... inopia, -ae, f., *poverty.*
23. commemoratur commemoro, 1, *to narrate.*
24. splendidus..... splendidus, -a, -um, *distinguished.*
gratiosus..... gratiosus, -a, -um, *influential.*
negotio ..... negotium, -ii, n., (*business*), *trouble.*
25. incautum ..... incautus, -a, -um, (*unwary*), *unsuspicious.*
27. diutius..... adv., comparative of diu, *long.*
28. societas ..... societas, -atis, f., (*a company*), *conspiracy.*
coitur ..... coeo, coii, coitum, coire (*to come together*), *be formed.*

8. 2. defunctos esse defungor, defunctus, 3, (*to discharge*), *have done with.*
3. refertur ..... refero, rettuli, relatum, referre, (*to carry back*), *set down.*
tabulas ..... tabulae, -arum, f., (*writing tablet*), *list.*
4. veneunt ..... veneo, venii, venitum, venire, *to be sold.*
studiosissimi... superl. of studiosus, -a, -um, (*fond of*), *devoted to.*
5. manceps ..... manceps, -ipis, m., *purchaser.*
6. propria ..... proprius, -a, -um, *one's own.*
10. imprudente..... imprudens, -ntis, *not knowing.*
12. recreet ..... recreo, 1, (*to revive*), *recall.*
instare ..... insto, institi, instatum, 1, (*to press on*), *be urgent.*
15. spectent ..... specto, 1, *to look to.*
16. distentus sit ... distineo, distinui, distentum, 2, (*to hold apart*), *distract.*
17. animadvertat .. animadverto, animadverti, animadversum, 3, *to notice.*
18. observent ..... observo, 1, *to look out for.*
aucupentur .... aucupor, 1, (*to lie in wait for*), *to watch for.*
19. despexerit ..... despicio, despexi, despectum, 3, (*to look aside*), *turn one's glance away.*
moliantur ..... molior, 4, *to contrive.*

8. 22. libertum ... libertus, -i, m., *freedman* (with reference to a former master).
26. solvisset ..... solvo, solvi, solutum, 3, (*to pay*), *perform.*
27. penatibus ..... penates, -ium, m., *family gods.*
praecipitem .... praeceps, -cipitis, *headlong.*
exturbat ..... exturbo, 1, *to cast out.*
28. egentissimus ... superl. of egens, -ntis, (*needy*), *parsimonious.*
29. insolens ..... insolens, -ntis, *extravagant.*
30. auferebat ..... aufero, abstuli, ablatum, auferre, *to remove.*
31. adiutoribus ..... adiutor, -oris, m., *confederate.*
effuse ..... adv., *extravagantly.*
9. 2. fletus ..... fletus, -ūs, m., (*weeping*), *tears.*
gemitus ..... gemitus, -ūs, m., (*groaning*), *mourning.*
6. ademptio ..... ademptio, -onis, f., (*taking away*), *confiscation.*
7. flagitiosa ..... flagitiosus, -a, -um, *scandalous.*
furta ..... furtum, -i, n., *theft.*
donationes..... donatio, -onis, f., (*gift*), *largess.*
8. ardere ..... ardeo, arsi, arsum, 2, *to be in flames.*
9. iactantem ..... iacto, 1, (*to flourish*), *give oneself airs.*
10. dominantem ... dominor, 1, (*to be lord*), *lord it.*
decurionum .... decurio, -onis, m., *senator of a provincial town.*
18. flagitia ..... flagitium, -ii, n., *villainy.*
19. adlegat ..... adlego, 1, *to commission.*
22. pertimuerat ... pertimesco, pertimui, 3, *to dread.*
23. fingerent ..... fingo, finxi, fictum, 3, *to imagine.*
24. confirmaret .... confirmo, 1, *to declare.*
25. exempturum ... eximo, exemi, exemptum, 3, (*to take out*), *remove.*
27. appromitteret .. appromitto, appromisi, appromissum, 3, *to promise in addition.*
inorata ..... inoratus, -a, -um, *not pleaded.*
28. differre ..... differo, distuli, dilatum, differre, *to put off.*
29. lentius ..... adv., lente, *leisurely.*
deludere..... deludo, delusi, delusum, 3, *to make sport of.*
10. 1. cognatorum cognatus, -i, m., *a relation.*
2. confugit..... confugio, confugi, confugitum, 3, *to fly for refuge.*
6. vestigia ..... vestigium, -ii, n., *a trace.*
8. latronum ..... latro, -onis, m., *brigand.*
9. hospiti ..... hospes, -itis, m., *guest.*
10. opitulata est ... opitulor, 1, *to give assistance to.*
11. reos..... reus, -i, m. (*an accused person*), *defendant.*
17. subesset..... subsum, subfui, subesse, (*to be underneath*), *lurk.*
21. adductus esset. adduco, adduxi, adductum, 3, *to bring to* (*trial*).
26. amentia ..... amentia, -ae, f., *frenzy.*
11. 2. ordiar ..... ordior, orsus, 4, *to begin.*
5. obsessa ..... obsideo, obsedi, obsessum, 2, *to beset.*

14. 1. adulescentulus adulescentulus, -i, m., *a young man.*
2. inductus ..... induco, induxi, inductum, 3, *to lead on.*
4. versatus..... versor, 1, (*to busy oneself*), *be experienced in.*
6. indomitae ..... indomitus, -a, -um, *uncontrollable.*
7. purgavit..... purgo, 1, *to clear.*
8. convivio..... convivium, -i, n., *dinner-party.*
11. colendo ..... colo, colui, cultum, 3, *to cultivate.*
12. disiuncta..... disiungo, disiunxi, disiunctum, 3, (*to divide*), *remove.*
coniuncta ..... coniungo, coniunxi, coniunctum, 3, *to connect.*
16. perspicuam..... perspicuus, -a, -um, *unmistakable.*
20. revertamur..... revertor, reversus, 3, *to return.*
21. unico ..... unicus, -a, -um, *only.*
22. displiceret..... displiceo, 2, *to displease.*
23. odisset..... odi, odisse, *to hate.*
24. constantissimus superl. of constans, -ntis, *steady.*
15. 4. relegarat... relego, 1, *to banish.*
5. nugatoria..... nugatorius, -a, -um, *frivolous.*
6. commenticium. commenticius, -a, -um, *fabricated.*
8. infirmem..... infirmo, 1, (*to weaken*), *to disprove.*
9 fructuosa..... fructuosus, -a, -um, *productive.*
13. optatissimum .. superl. of optatus, -a, -um, *desirable.*
14. servire ..... servio, 4, *to pay attention to.*
15. studii ..... studium, -i, n., (*zeal*), *pains.*
16. amandarat..... amando, 1, *to send away.*
17. aleretur..... alo, alui, altum *and* alitum, 3, (*to feed*), *maintain.*
20. amandatio..... amandatio, -onis, f., *a sending away.*
21. distet ..... disto, 1, *to be far removed.*
23. reprehendis..... reprehendo, reprehendi, reprehensum, 3, *to find fault with.*
24. criminaris ..... criminor, 1, *to complain of.*
29. opiniones ..... opinio, -onis, f., *belief, conviction.*
16. 3. exprobrandi exprobro, 1, *to reproach.*
4. commonendi... commoneo, 2, *to remind.*
5. nascerere ..... nascor, natus, 3, *to be born.*
7. humanitatis.... humanitas, -atis, f., *human feeling.*
9. fabulas ..... fabula, -ae, f., (*a play*), *comedy.*
16. tribules ..... tribulis, -e, *fellow-tribesman.*
18. odiosum ..... odiosus, -a, -um, *offensive.*
21. intersit..... iuterest, impers., *it makes a difference.*
comicum ..... comicus, -a, -um, *represented in comedy.*
23. effictos ..... effingo, effinxi, effictum, 3, *to portray.*
24. expressam ..... exprimo, expressi, expressum, 3, *to delineate.*
25. sis..... = si vis, *if you please, pray.*
17. 2. novi ..... nosco, novi, notum, 3, *to come to know*; novi = *I have come to know, I know.*
3. incensi sunt ... incendo, incendi, incensum, 3, (*to kindle*), *to inspire.*

21. 5. deliberarit . delibero, 1, *to make plans.*
10. emptione ..... emptio, -onis, f., *sale.*
21. resideret ..... resideo, resedi, resessum, 2, *to sit down.*
spatiaretur ..... spatior, 1, *to walk about.*
23. consessu..... consessus, -ūs, m., (*a sitting together*), *bench.*
22. 1. peroravit ... peroro, 1, *to finish speaking.*
respirare ..... respiro, 1, (*to breathe again*), *breathe freely.*
3. iocari ..... iocor, 1, *to make jokes.*
5. attigi ..... attingo, attigi, attactum, 3, *to touch upon.*
erexit ..... erigo, erexi, erectum, 3, *to rouse.*
7. cursare ..... curso, 1, *to run to and fro.*
destiterunt ..... desisto, destiti, destitum, 3, *to cease.*
10. aperiri ..... aperio, aperui, apertum, 4, (*to disclose*), *make public.*
11. vexari..... vexo, 1, (*to annoy*), *attack.*
14. versa esse ..... verto, verti, versum, 3, *to change.*
15. libere ..... adv., (*freely*), *outspokenly.*
17. restitue ..... restituo, restitui, restitutum, 3, *to restore.*
calliditatem .... calliditas, -atis, f., *skill.*
18. confitere..... confiteor, confessus, 2, *to confess.*
19. latrocinium ..... latrocinium, -i, n., (*robbery*), *spoliation.*
22. noxiis ..... noxia, -ae, f., *offence.*
23. crebra..... creber, -bra, -brum, *frequent.*
27. congruere ..... congruo, congrui, 3, (*to agree*), *be consistent.*
28. penditur..... pendo, pependi, pensum, 3, *to weigh.*
38. communio..... communio, -onis, f., (*mutual participation*), *common ties.*
reclamitat ..... reclamito, 1, *to cry out against.*
40. specie..... species, -ei, f., (*appearance*), *face.*
figura ..... figura, -ae, f., (*shape*), *mien.*
41. immanitate..... immanitas, -atis, f., *savageness.*
42. privarit ..... privo, 1, *to deprive.*
43. partus..... partus, -ūs, m., *a giving birth.*
44. conciliet..... concilio, 1, *to reconcile.*
23. 3. cubitum .... cubo, cubui, cubitum, 1, (*to lie down*), *go to rest.*
conclave..... conclave, -is, n., *chamber.*
4. mane ..... adv., *in the morning.*
14. ostio ..... ostium, -i, n., *door.*
19. quiescere..... quiesco, quievi, quietum, 3, *to rest.*
24. 4. agitent..... agito, 1, *to chase.*
consistere ..... consisto, constiti, constitum, 3, *to find a resting-place.*
7. necessitatem ... necessitas, -atis, f., *binding force.*
religionem ..... religio, -onis, f., *sanctity.*
8. macula ..... macula, -ae, f., *stain.*
9. elui ..... eluo, elui, elutum, 3, *to wash out.*
permanat ..... permano, 1, (*to flow through*), *sink into.*

24. 10. consequatur consequor, consecutus, 3, *to ensue.*
12. impie ..... adv., *in defiance of religion.*
scelerate..... adv., *in a guilty manner.*
13. perterreri ..... perterreo, 2, *to affright.*
taedis ..... taeda, -ae, f., *a torch.*
15. cogitationes ... cogitatio, -onis, f., *thought.*
16. conscientiae ... conscientia, -ae, f., (*conscience*), pl. *stings of conscience.*
17. adsiduae..... adsiduus, -a, -um, *abiding.*
domesticae ..... domesticus, -a, -um, (*domestic*), *personal.*
18. consceleratissimis superl. of consceleratus, -a, -um, *blood-guilty.*
repetant..... repeto, repetivi *and* -ii, repetitum, 3, *to exact.*
20. proferatur ..... profero, protuli, prolatum, proferre, *to bring forward.*
21. inquinata ..... inquino, 1, *to befoul.*
22. sumptus..... sumptus, -ūs, m., *expense.*
effusi ..... effusus, -a, -um, (*poured out*, from effundo, effusi, effusum, 3), *lavish.*
praerupta..... praeruptus, -a, -um, *headlong.*
23. temeritas ..... temeritas, -atis, f., *recklessness.*
abhorreat ..... abhorreo, 2, (*to shrink from*), *fall short of.*
24. animadversionis animadversio, -onis, f., *punishment.*
25. conscii ..... conscius, -a, -um, *confederate.*
26. opportune ..... adv., *suitably.*
27. respersas ..... respergo, respersi, respersum, 3, *to sprinkle.*
30. convincitur .... convinco, convici, convictum, 3, *to prove.*
vindicandum ... vindico, 1, *to punish.*
25. 5. praestiterint praesto, praestiti, praestatum *or* praestitum, 1, *to excel.*
7. potita est ..... potior, 4, *to be master of.*
13. sanxerit ..... sancio, sanxi, sanctum, 4, *to enact.*
14. admonere ..... admoneo, 2, *to suggest.*
19. submoverentur submoveo, submovi, submotum, 2, (*to remove*), *deter.*
20. insui ..... insuo, insui, insutum, 3, *to sew in.*
21. deici ..... deicio, deieci, deiectum, 3, *to cast into.*
26. 9. expiari..... expio, 1, *to purify.*
12. fluctuantibus... fluctuo, 1, *to be tossed by the waves.*
14. queant ..... queo, quivi, quitum, quire, *to be able.*
15. abluantur ..... abluo, ablui, ablutum, 3, (*to wash off*), *cleanse.*
18. probare ..... probo, 1, *to make good, prove.*
20. emptores ..... emptor, -oris, m., *purchaser.*
21. paratius..... compar. of adv. parate, *with preparation.*
22. agatur ..... ago, egi, actum, 3, (*to do*), *plead.*
26. admittere ..... admitto, admisi, admissum, 3, *to commit.*
27. 2. decedam ... decedo, decessi, decessum, 3, *to withdraw.*
7. interpellandi... interpello, 1, (*to interrupt*), *contradict.*
9. percussit ..... percutio, percussi, percussum, 3, *to strike.*

27. 12. indidem... adv., (*from the same place*), *from the spot.*
15. triduo ..... triduum, -i, n., *a space of three days.*
20. depinxeris ..... depingo, depinxi, depictum, 3, *to delineate.*
ferum ..... ferus, -a, -um, *savage.*
agerstem ..... agrestis, -e, (*rustic*), *boorish.*
24. arido ..... aridus, -a, -um, (*dry*), *meagre.*
25. horrida ..... horridus, -a, -um, *rough.*
inculta ..... incultus, -a, -um, *uncivilised.*
gigni ..... gigno, genui, genitum, 3, *to produce.*
28. luxuries ..... luxuries, -ei, f., *extravagance.*
31. parsimoniae ... parsimonia, -ae, f., *economy, thrift.*
28. 13. admiserit. admitto, admisi, admissum, 3, *to commit.*
18. victus..... victus, -ūs, m., (*way of living*), *daily needs.*
23. sectantur ..... sector, 1, (*to follow*), *to attend on.*
30. fugitant..... fugito, 1, (*to fly from*), *shirk.*
33. acerbius..... compar. of acerbus, -a, -um, (*bitter*), *exasperating.*
iniquius ..... compar. of iniquus, -a, -um, *unfair.*
29. 12. offendis ... offendo, offendi, offensum, 3, *to strike upon.*
13. resilire ..... resilio, resilui, 4, (*to leap back*), *rebound.*
14. recidere ..... recido, recidi, recasum, 3, (*to fall back*), *recoil.*
16. impune ..... adv., *with impunity.*
19. mercede ..... merces, -edis, f., *pay, fee, bribe.*
pertundere .... pertundo, pertudi, pertusum, 3, (*to beat through*), *to drench.*
22. sectoribus ..... sector, -oris, m., (*cutter*), (1) *broker*, (2) *cut-throat.*
24. collorum ..... collum, -i, n., *neck, throat.*
33. molestus ..... molestus, -a, -um, *tedious.*
34. diffidere..... diffido, diffisus sum, 3, *to distrust.*
perspicuis ..... perspicuus, -a, -um, *palpable.*
disseram ..... dissero, disserui, dissertum, 3, *to argue.*
35. criminatio ..... criminatio, -onis, f., *charge.*
36. peculatu ..... peculatus, -ūs, m., *embezzlement.*
38. declamare ..... declamo, 1, *to recite.*
39. commentaretur commentor, 1, *to prepare, compose.*
30. 2. liberet ..... libet, libuit, 2, *it is pleasing.*
6. incommodum .. incommodum, -i, n., *loss.*
9. coarguatur .... coarguo, coargui, coargutum, 3, *to prove.*
16. profiteris ..... profiteor, professus, 2, *to profess.*
18. prodierit ..... prodeo, prodii, proditum, prodire, *to come forward.*
23. emolumento ... emolumentum, -i, n., *advantage.*
24. quaesitorem ... quaesitor, -oris, m., (*investigator*), *president.*
26. propensus ..... propensus, -a, -um, *inclined.*
27. adplicatus ..... adplicatus, -a, -um (participle of adplico, 1), *disposed.*
29. clementissimus clementissimus, -a, -um, superl. of clemens, -ntis, *lenient.*

35. 23. volumen volumen, -inis, n., *roll.*
25. intentasse ..... intento, 1, *to brandish in the face of.*
minitatum esse minitor, 1, *to threaten.*
27. gravitatem ..... gravitas, -atis, f., (*weight of character*), *dignity.*
29. accommodetis.. accommodo, 1, *to adapt.*
36. 1. volucrem ... volucer, -cris, -cre, *winged.*
10. cognomine..... cognomen, -inis, n., *title.*
11. subegisse ..... subigo, subegi, subactum, 3, *to conquer.*
21. ausculta ..... ausculto, 1, *to listen.*
25. muto ..... mutus, -a, -um, *dumb.*
37. 8. concupiscere concupisco, concupivi, concupitum, 3, *to covet.*
33. perliberaliter .. adv., *very liberally.*
36. communiter.... adv., (*in common*), *in partnership.*
37. manubias ..... manubiae, -arum, f., *spoils of war.*
38. 5. imminuerit. imminuo, imminui, imminutum, 3, (*to lessen*), *subvert.*
8. enuntiat..... enuntio, 1, *to divulge.*
12. acuere..... acuo, acui, acutum, 3, (*to sharpen*), *spur on.*
15. depecisci ..... depeciscor, depectus, 3, *to bargain for.*
17. intercludere.... intercludo, interclusi, interclusum, 3, *to bar.*
20. denuntiare..... denuntio, 1, (*to announce*), *summon a witness.*
24. mandati..... mandatum, -i, n., (*contract*), *breach of contract.*
27. vicaria ..... vicarius, -a, -um, *in place of.*
28. supponitur..... suppono, supposui, suppositum, 3, *to substitute.*
29. disturbat..... disturbo, 1, *to throw into confusion.*
34. conversurus es. converto, converti, conversum, 3, *to veer round.*
35. officis ..... officio, offeci, offectum, 3, *to thwart.*
39. 9. concreditae. concredo, concredidi, concreditum, 3, *to entrust.*
13. infamia ..... infamia, -ae, f., *dishonour.*
17. legationis ..... legatio, -onis, f., *embassy.*
caerimoniam... caerimonia, -ae, f., *sanctity.*
21. decideret..... decido, decidi, decisum, 3, *to settle.*
22. interponeret ... interpono, interposui, interpositum, 3, (*to interpose*), *pledge.*
24. arbitrum ..... arbiter, -tri, m., *arbitrator.*
27. decurionibus ... decurio, -onis, m., *member of senate in a provincial town.*
30. funditus ..... adv., *utterly.*
40. 2. contaminarit contamino, 1, *to pollute.*
6. communicavit.. communico, 1, (*to share with*), *enter into partnership with.*
8. animadvertenda animadverto, animadverti, animadversum, 3, *to punish.*
9. praecaventur... praecaveo, praecavi, praecautum, 2, *to guard against beforehand.*
18. destituit..... destituo, destitui, destitutum, 3, *to abandon.*
21. malitiam ..... malitia, -ae, f., *cunning, chicanery.*
23. providi ..... providus, -a, -um, *foreseeing.*

40. 30. audacter . adv., *recklessly.*
31. perfidiose ..... adv., *treacherously.*
33. promptum ..... promptus, -a, -um, *obvious, glaring.*
34. constat ..... constat (impers.), 1, *it is well known.*
36. convincatur .... convinco, convici, convictum, 3, *to prove.*
40. gemina..... geminus, -a, -um, *twin.*
41. 2. aequitatem. aequitas, -atis, f., *fairness.*
12. cruciatum ..... cruciatus, -ūs, m., *torture.*
26. urbanitate..... urbanitas, -atis, f., *polish.*
27. deliciarum..... deliciae, -arum, f., *luxury.*
28. lectos ..... lego, legi, lectum, 3, *to pick.*
29. operarios ..... operarius, -i, m., *labourer.*
disciplina ..... disciplina, -ae, f., *training.*
31. adamarit ..... adamo, 1, *to take a fancy to.*
32. humanitatem .. humanitas, -atis, f., *culture.*
34. studiosius ..... compar. of adv. studiose, *eagerly.*
42. 6. distribuisse distribuo, distribui, distributum, 3, *to divide, partition.*
7. permissa est ... permitto, permisi, permissum, 3, (*to allow*), *assign.*
21. necessario ..... adv., *necessarily, by compulsion.*
43. 9. singularis .. singularis, -e, *unique.*
44. 3. eximia ..... eximius, -a, -um, *surpassing.*
4. ementiretur ... ementior, 4, *to lie.*
13. redierunt ..... redeo, redii, reditum, redire, (*to return*), *be registered.*
14. nebulone ..... nebulo, -onis, m., *a scoundrel.*
facetius ..... compar. of adv. facete, (*wittily*), *cleverly.*
eludimur ..... eludo, elusi, elusum, 3, *to trick.*
17. propemodum ... adv., *almost.*
19. reduviam ..... reduvia, -ae, f., *hang-nail.*
45. 6. praefinita est praefinio, 4, *to limit.*
12. imprudentia ... imprudentia, -ae, f., *inadvertence.*
14. nutu ..... nutus, -ūs, m., *nod.*
arbitrio ..... arbitrium, -i, n., (*decision*), *will.*
29. architectum ... architectus, -i, m., (*architect*), *arch-plotter.*
machinatorem . machinator, -oris, m., *deviser.*
46. 5. animi ..... animus, -i, m., (*mind*), *relaxation.*
suburbanum ... suburbanus, -a, -um, *near the city.*
7. referta ..... refercio, refersi, refertum, 4, *to cram.*
8. authepsa ..... authepsa, -ae, f., *automatic boiler.*
9. mercatus est... mercor, 1, *to buy.*
praeconem..... praeco, -onis, m., *auctioneer.*
11. caelati ..... caelo, 1, *to carve in metal.*
12. signorum ..... signum, -i, n., (*sign*), *statue.*
14. coacervari ..... coacervo, 1, *to heap together.*
17. coquos ..... coquus, -i, m., *cook.*
pistores ..... pistor, -oris, m., *baker.*

46. 17. lecticarios lecticarius, -i, m., *litter-bearer.*
18. cantu ..... cantus, -ūs, m., (*song*), *melody.*
nervorum ..... nervus, -i, m., (*sinew*), *string.*
19. tibiarum..... tibia, -ae, f., *pipe.*
conviciis..... convicium, -i, n., (*outcry*), *revelry.*
personet..... persono, 1, *to resound.*
20. sumptus..... sumptus, -ūs, m., (*expense*), *extravagance.*
23. officina ..... officina, -ae, f., *workshop.*
deversorium ... deversorium, -i, n., *resort.*
25. delibuto ..... delibuo, delibui, delibutum, 3, *to anoint.*
volitet ..... volito, 1, (*to fly about*), *strut.*
30. imperitior ..... compar. of imperitus, -a, -um, *uninformed.*
32. vituperare ..... vitupero, 1, *to censure.*
47. 3. componeretur compono, composui, compositum, 3, *to settle.*
4. humilitatem ... humilitas, -atis, f., *lowliness.*
18. locupletarentur locupleto, 1, *to enrich.*
22. subactus ..... subigo, subegi, subactum, 3, *to subdue.*
48. 11. procuratio procuratio, -onis, f., *administration.*
13. obtinere..... obtineo, obtinui, obtentum, 2, *to maintain.*
23. detractum ..... detraho, detraxi, detractum, 3, *to disparage.*
25. dominationem.. dominatio, -onis, f., *tyranny.*
27. munitet ..... munito, 1, *to pave.*
adfectet ..... adfecto, 1, *to pursue.*
29. sincerum ..... sincerus, -a, -um, (*pure*), *intact.*
49. 1. experrecta.. expergiscor, experrectus, 3, *to wake up.*
3. aras ..... ara, -ae, f., *altar.*
26. fraudavit ..... fraudo, 1, *to cheat.*
28. appendit ..... appendo, appendi, appensum, 3, (*to weigh*), *render an account of.*
31. degere ..... dego, degi, 3, *to pass* (*i.e.* life).
50. 22. monumenti monumentum, -i, n., (*memorial*), *keepsake.*
25. pirata..... pirata, -ae, m., *pirate.*
26. cruenta ..... cruentus, -a, -um, *blood-stained.*
33. naufragio ..... naufragium, -i, n., *shipwreck.*
35. spectatissima.. superl. of spectatus, -a, -um, (*looked up to*), *respected.*
36. patruos ..... patruus, -i, m., *uncle.*
51. 4. copiose..... adv., *without stint.*
6. tentatur..... tento, 1, *to attack, imperil.*
12. roboris ..... robur, -oris, n., *strength.*
15. adsiduitate ..... adsiduitas, -atis, f., *continual presence.*
52. 1. impetramus impetro, 1, *to obtain* (*by asking*).
6. explere ..... expleo, explevi, expletum, 2, (*to fill up*), *satisfy.*
7. perfugium..... perfugium, -i, n., *refuge.*
13. satius..... adv., *better.*
21. excipiatis ..... excipio, excepi, exceptum, 3, *to catch.*
53. 5. instaurata.. instauro, 1, (*to renew*), *set on foot.*
24. molestiarum ... molestia, -ae, f., (*annoyance*), *suffering.*

CICERO

PRO SEXTO ROSCIO AMERINO.

A TRANSLATION.

By F. G. Plaistowe, M.A.

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1. Gentlemen of the Jury, I believe you are wondering what is the reason that when there remain seated so many excellent speakers and well-known men, I of all others have stood up, though in years and ability and influence I am not fit to be compared with these gentlemen who remain seated. All these gentlemen whom you see present here think that in this case some defence ought to be made against a wrong occasioned by an unprecedented crime, but they dare not undertake the defence themselves owing to the perilous nature of the times. Thus it comes to pass that they are here simply because they are following up their duty, while they are silent precisely because they shrink from the peril.

2. What then? Am I the boldest of them all? Far from it. But have I a so much keener sense of duty? I am not so eager even for that merit as to wish to have it snatched away from others. Then what object can have driven me beyond the rest to undertake the case of Sextus Roscius? It is because, if a word had fallen from any one of these men, who possess the highest influence and dignity, if a word had been uttered touching public affairs, a thing that must necessarily happen in this case, the speaker would be believed to have said far more than he had said; (3) and because in my case, even though I say without

reserve all that can be said, my speech nevertheless will fail to get abroad and make its way to the public in by any means the same degree; and lastly because no utterance of the rest can remain in obscurity owing to their wide reputation and high standing, and owing to their age and practical wisdom no allowance can be made for any chance utterance. On the contrary if I say anything that is too free it can be kept concealed on the ground that I have not yet entered upon public life, or pardon can be granted to my youth; although not only the old method of lenient judgment but even the custom of making an inquiry has now been abolished from our state.

4. Besides these there is also the following reason, that possibly the request to plead has been made to the rest in such a way that they thought they might adopt either alternative without a breach of friendly obligation: whereas I have been earnestly entreated by gentlemen who have very weighty influence with me owing to their friendship and services to me and their high position; and I was bound not to close my eyes to the kindness of such men towards me, and not to regard their influence lightly, and not to be careless of their goodwill.

5. For these reasons I have come forward to take charge of this case, not selected as the one man who could plead with the greatest ability, but left over from the rest as the man who could plead with the least danger; not that Sextus Roscius might feel himself defended by a fairly reliable bulwark, but that he might not be absolutely abandoned. You may perhaps be asking what is the nature of that fear among you and that panic terror, which hinders so many excellent men from consenting to plead a cause on behalf of another's status and property as they have been accustomed to do. And it is not astonishing that you do not know this, seeing that the prosecutors have purposely avoided mentioning the real motive that occasioned this trial.

6. What is that motive? It is the property of the father of my client Sextus Roscius, which is worth six millions of sesterces, and which Lucius Cornelius Chrysogonus, who despite his youth is perhaps the most powerful

individual of the day in our state, avers that he bought for two thousand sesterces from the illustrious and gallant Lucius Sulla, whom I mention with all respect. This Chrysogonus, gentlemen of the Jury, makes the following demand, that, since he has seized upon the extensive and famous property of another man without having any just claim to it, and since the life of Sextus Roscius seems to be an obstacle and impediment to that property, you should blot out all suspicion and remove all fear from his thoughts: while my client is living he does not think he can keep possession of my innocent client's extensive and wealthy inheritance; but he hopes that, after he has been condemned and cast out, he can waste and squander in riotous excess what he has got by villainy. He asks you to take from his side this thorn that pricks and galls him day and night, so that you may confess yourselves his abettors in obtaining his ill-gotten gains.

7. If you think his demand is fair and honourable, gentlemen, I on the other hand submit to you a short request, and one that, as I flatter myself, is a little fairer. First, I ask Chrysogonus to be content with our money and our property, and not to ask for our life's blood as well; next, I ask you, gentlemen, to withstand the wicked purpose of reckless men and relieve the desperate distress of the innocent, and in the case of Sextus Roscius to repel the danger which threatens all of us.

8. But if grounds for an accusation or suspicion of guilt or, in a word, any fact even of the slightest importance be discovered to make them seem to have been guided by at least something in bringing this accusation, in fine, if you come upon any motive except the booty I spoke of, we do not protest against the life of Sextus Roscius being surrendered to their caprice; but if the only object in view is to prevent their lacking anything to whom nothing is enough, if the object of our contest to-day be that the condemnation of Sextus Roscius should come to crown that rich and famous booty, is not this perhaps the most dishonourable among the many dishonourable aspects of the case, that you have been regarded as men well adapted to allow their securing by means of your votes

given on oath the ends which they had been accustomed to secure before with their own hands by crime and bloodshed? that from you, who have been selected from the citizens for the senate on the score of your high position, and from the senate for this Jury on the score of your stern integrity, that from you murderers and cut-throats should demand the privilege not only of escaping the penalties which they ought to expect with fear and trembling from you for their iniquities, but also of quitting this court enriched and loaded with spoils?

9. Of these great and abominable crimes I am aware that I cannot speak in adequate terms, nor deplore them with adequate impressiveness, nor proclaim them with adequate freedom; for adequacy is hindered by my lack of ability, impressiveness by my youth, and freedom of speech by the state of the times. Besides this there is the extreme nervousness which is brought upon me by my natural modesty and your high dignity, and the violence of my opponents and the perils of Sextus Roscius. Therefore I beseech and entreat you, gentlemen, to hear my words with attention and kindly indulgence.

10. It is in reliance on your conscientiousness and good sense that I have undertaken a burden greater than I am aware of my ability to bear. If you will help me to bear this burden in some degree I will support it, gentlemen, so far as I can with zeal and energy; but if I am abandoned by you (a fate that I do not expect), nevertheless I will not lose heart, and I will carry out what I have undertaken so far as I can; but if I cannot carry it out, I would rather be borne down by the burden of duty than abandon out of disloyalty a task that has once been imposed upon me with full confidence in my powers, or lay it aside from feebleness of heart.

11. I earnestly entreat you also, Marcus Fannius, to show yourself towards us and your country of the same character as you did show yourself to the Roman people on a previous occasion when you were presiding over this same court. You behold the vast crowd that has thronged to this trial; you are aware of eager expectation of all men, the earnest desire that trials should be made strict

and sternly impartial; this is the first trial for a long time that is being held for murder, though foul and shameful murders have been committed in the meantime. All hope that with you for praetor this court will effect their deliverance from evident cases of crime and the bloodshed that is daily occurring.

12. The loud appeals that prosecutors have been accustomed to make in other trials, we who are pleading in this case make use of on this occasion: we ask you, Marcus Fannius, and you, gentlemen of the Jury, to punish crimes with all possible severity, to withstand men of reckless daring with all possible fortitude, to reflect upon this fact, that unless you display your real purpose in this case, there is now such an outburst of evil passions and crime and recklessness that murders will be committed not only in secret but even here in the forum before your tribunal, Marcus Fannius, before your feet, gentlemen of the Jury, amidst these very benches.

13. For what else are they trying to effect by this trial except that the doing of such a deed may be lawful? The accusers are the men who have seized my client's property: the defendant is the man whom they have left nothing but ruin; the accusers are the men to whom the murder of the father of Sextus Roscius was an advantage: the defendant is a man to whom his father's death brought not only grief but destitution; the accusers are the men whose chief desire was to cut the throat of this very man: the defendant is the man who has actually come to this very court with an escort, that he may not be slain here on this very spot before your own eyes; in fine, the accusers are the men whom the people are demanding for trial: the defendant is the mau who alone has been left over to survive the horrible massacre perpetrated by those men.

14. And to enable you to understand more readily, gentlemen of the Jury, that the deeds themselves were more shocking than my description of them, I will set before you the history of the case from its commencement, my object being to enable you to apprehend more readily the distress of my guiltless client, the reckless daring of our opponents, and the disastrous state of our country.

15. Sextus Roscius, my client's father, was a burgher of Ameria who in birth, reputation, and wealth was *facile princeps* in the country round, to say nothing of his native town, and moreover he enjoyed the advantage of the influence and guest-friendship given to him by men of the highest rank. For he was on terms not only of guest-friendship, but even of intimate and familiar acquaintance with the Metelli, the Servilii and the Scipios—houses that I name, as is fair, to acknowledge their good repute and their distinction: and so this is the only one of all his advantages that he left his son: for brigands of his own family are in possession of the inheritance that they wrested from him by force, while despite his innocence his father's guest-friends and acquaintances have to take up the defence of his life and reputation.

16. He had always been a supporter of the aristocratic party, and especially in the recent disturbances, and when the position and the lives of all men of note were brought into the utmost danger he surpassed the others in that locality in his defence of that party's cause by his efforts, his energy, and his influence; for he thought it right that he should fight for the honour of those from whom he derived his claim to be reckoned the most honourable man among his own kin. As soon as their success had been firmly established and we had quitted the field, when people were being proscribed and such as were thought to be enemies were being taken prisoners in every district, he was constantly at Rome, and daily appeared in the forum and before the public eye, so that he seemed rather to be rejoicing in the success of the aristocracy than to fear that any disaster would befall himself as a result of that success.

17. He had a long-standing feud with the two Roscii of Ameria, one of whom I see sitting in the prosecutors' benches, the other I am told is in possession of three of his estates. And had his caution with regard to this feud been as great as his fear he would be alive to-day. Nor indeed was his fear groundless, seeing that those two Titi Roscii, the surname of one of whom is Capito, while the one yonder, who is present, is called Magnus, are men of the following character,—one of them is regarded as an

old and famous gladiator of many victories, while this one here has lately betaken himself to the other as his trainer, and though, so far as I know, he was a tiro before this conflict, he readily surpassed even his master in crime and reckless daring.

18. For when my client Sextus Roscius was in Ameria, while Titus Roscius, the prosecutor, was at Rome; when my client the son and heir was busy on his estates, and when in accordance with his father's wishes he had devoted himself to the management of the property and the life of a country gentlemen, while the prosecutor was constantly at Rome, near the Pallacinian baths, as he was returning from a dinner-party, Sextus Roscius was murdered. I trust from this bare statement of the facts it is plain to whom the suspicion of the crime attaches itself; but if the real facts of the case do not make a matter of certainty what is up to this point a matter of suspicion, then you may set my client down as being implicated in the crime.

19. After the murder of Sextus Roscius the news was first brought to Ameria by a certain Mallius Glaucia, a poor freedman who was a client of and on terms of intimacy with Titus Roscius, and he brought the news not to the house of the son but to that of the murdered man's enemy Titus Capito Though the murder took place an hour after nightfall, this messenger arrived at Ameria with the first streak of dawn. In the ten hours of the night he sped post-haste a distance of fifty-six miles, not merely to be the first to bear the wished-for tidings to that enemy, but to show him the blood of his enemy as fresh as possible and the weapon but a little while before drawn from his body.

20. Within four days after these proceedings, the matter was reported to Chrysogonus in the camp of Lucius Sulla at Volaterrae; the great extent of the property was pointed out to him; the productiveness of the estates—he left thirteen farms which nearly all border on the Tiber—and my client's poverty and isolation was narrated to him. They pointed out that after a distinguished and influential man like Sextus Roscius, my client's father, had been put to death without any trouble, my client, who was unsuspi-

cious—a mere country gentleman, and unknown at Rome—could easily be got out of the way. For this object they promised their help. Not to keep you too long, gentlemen, a conspiracy was concocted.

21. Although at this time not a word was being uttered about proscription, although even those who had feared it before were now returning and becoming convinced that they had at last got through their perils, the name of Sextus Roscius was put upon the list, the property of a most energetic supporter of the aristocratic party was sold; Chrysogonus became the purchaser; three estates, perhaps the best-known among them, were handed over to Capito for his own, and he is in possession of them to-day; Titus Roscius there, as he himself admits, seized on all the property in Chrysogonus' name.

I am perfectly certain, gentlemen, that all this took place without the knowledge of Lucius Sulla; (22) and since he is at once repairing the evils of the past and providing for the probable exigencies of the future, since he alone holds in his hand the plans for establishing the peace and the power of making war, since the world looks up to one man and one man sways the whole, since he is so distracted with countless important affairs that he cannot breathe freely—we must not be surprised if there is something that he fails to notice, particularly as so many persons are looking out for the times when he is engrossed, and watching for an opportunity for some plot of this sort, as soon as his glance is turned aside. Moreover, although he is fortunate, as indeed he is, yet no one can live in the midst of such good fortune without having in a large household a single bad slave or freedman.

23. In the meantime this excellent Titus Roscius, Chrysogonus' agent, arrived at Ameria; he seized my client's estates; and though my client was in distress and overwhelmed with grief, and had not yet even performed all the due rites for his father's burial, he drove him from his house in destitution, and cast him headlong, gentlemen, from the hearth and home of his fathers and his fathers' gods, while he himself became the possessor of this splendid property. As generally happens, he showed as much arro-

gant extravagance in dealing with another man's property as he had shown mean parsimony in dealing with his own: not a few things he openly removed to his own house; a great many he got rid of secretly; a vast quantity he lavished with great extravagance upon his confederates; the rest he put up for auction and sold them.

24. This was regarded at Ameria as such an abominable proceeding that the whole city was filled with tears and mourning. For assuredly there were many causes for sorrow before their eyes at the same time: there was the cruel death of the rich and prosperous Sextus Roscius, the shameful destitution of his son, whom that impious brigand had not left from his vast inheritance even a right of way to his father's tomb; and again, his seizure of the property, his shameful occupation of the estates, his thefts and robberies, and the largesses to his friends. There was not a man who would not prefer that all those possessions should be in flames rather than to see Titus Roscius pluming himself and lording it in the midst of the goods of the worthy and honourable Sextus Roscius.

25. Accordingly a decree of the town council was immediately passed, to the effect that their ten leading men should proceed to Lucius Sulla and give him information about Sextus Roscius' excellent character; that they should lodge complaints with regard to the guilty deeds of the prosecutors, and entreat the dictator to consent to the preserving of the deceased man's reputation and of his innocent son's possessions. And hear, I pray you, the decree itself. (The decree of the town council is read.) The envoys came to the camp. It can be understood that these crimes and villainies were perpetrated, as I have already stated, without the knowledge of Lucius Sulla. For with no delay Chrysogonus not only went to them himself, but commissioned men of rank to go also, and request the envoys not to interview Sulla, and promise that Chrysogonous would do all they wished.

26. Nay, such was his terror, that he would rather have died than let Sulla be informed of the facts of this case. Being men of the old stamp, who formed their conception of the rest of the world from their own character, they

gave full credence when Chrysogonus promised that he would take the name of Sextus Roscius off the proscription-lists and hand over the unoccupied estates to his son, and when Titus Roscius Capito, who was among the ten envoys, added his promise that the matter should be settled in this way. They returned to Ameria without pleading their cause. And first of all they began to put off and defer the settlement from day to day; then to proceed in a somewhat more leisurely way and make sport of him; at last—a fact that has easily been learned—to get up plots against the life of this Sextus Roscius, and to persuade themselves that they would no longer keep possession of another man's property while he, the real owner, was alive.

27. As soon as my client perceived this, he took the advice of his friends and relations and fled for refuge to Rome, and betook himself to Caecilia, sister of Nepos, and daughter of Balearicus, whom I mention with all due respect, a lady with whom my client's father was on terms of close acquaintance; a lady, gentlemen, in whom, as every one has always believed, there remain to this day traces of the old-fashioned sense of duty, as if to show us what that meant. When Sextus Roscius was in destitution, cast out of his home and driven away from his possessions, fleeing from the swords and threats of brigands, she welcomed him to her house, and gave assistance to her guest, now utterly crushed and despaired of by all. It is due to her courage, loyalty, and energy that my client is alive and his name upon the charge-sheet, instead of being murdered and having his name upon the proscription-lists.

28. For as soon as they learned that Sextus Roscius' life was being guarded with the utmost care, and that no opportunity of committing a murder was allowed them, they formed a plan full of reckless guilt; they resolved to accuse my client of parricide, to get for that purpose some accuser who was an old hand at the trade, who was capable of making any statement about an affair in which there was not a shadow of a suspicion; finally, to use as their weapon the critical state of the times when they found their charge no use. Their idea was that people were saying that as no trials had been held for so long a time, the first culprit who

was brought to trial ought to be condemned; they thought also that my client would have no supporters, owing to the influence of Chrysogonus; that nobody would say a word about the sale of property or conspiracy among the prosecutors; and that, as he would have no one to defend him, he would be got out of the way without any trouble by the mere name of parricide and the horrible nature of the charge.

29. Urged on by this purpose, or rather by this frenzy, they delivered over to be butchered by you a man whom they themselves could not murder when they wanted to.

What am I to deplore first of all? On what point, gentlemen, am I to begin with by preference? Or what aid am I to seek, and from whom am I to seek it? Am I at this critical time earnestly to pray for protection to the immortal gods, to the Roman people, to you, who hold supreme authority?

30. A father has been foully murdered; his house has been beset by enemies, his goods stolen, seized, and plundered; his son's life has been endangered, and many a time attacked with secret violence. What crime, think you, is wanting to complete this long series of iniquities? Yet on their other atrocious acts they heaped and piled these—they concocted an unheard-of charge, they bought with bribes witnesses against my client and men to accuse him. These are the terms they give my unfortunate client—to choose whether he prefers to offer his throat to Roscius, or to be sewn in a sack and to lose his life with every mark of ignominy. They thought he would have no supporters. He has none: but inasmuch as I have undertaken the case, gentlemen, he will assuredly not want one to speak freely, to defend him loyally—and that is all that is wanted in this case.

31. And it may be that in undertaking this case I have yielded to the impulses of youth and acted rashly; still, when once I have undertaken it, then, I swear it, though on every hand all kinds of threats and terrors and all sorts of perils should menace me, I will give him help and assistance. I am firmly resolved to say everything that bears upon the case, and to say it freely and boldly and without

reserve. No contingency will arise of such a nature, gentlemen, as to make it possible for fear to bring to bear upon me a greater influence than my sense of obligation.

32. For indeed what man is of such a flabby disposition as to find it possible to hold his peace and pay no heed when he looks upon these atrocities? You murdered my father, though he had not been proscribed; when he was slain you registered him on the list of the proscribed; you drove me by force from my home; you are in possession of my inheritance: what more do you want? Have you actually come to these benches with sword and spear to murder Sextus Roscius, or get him condemned in this place?

33. We recently had in our state a certain Gaius Fimbria, a man who was absolutely without rival in desperate audacity and—as is generally agreed, except among those who are themselves madly reckless—in mad recklessness. At the funeral of Gaius Marius he had managed to get Quintus Scaevola wounded; Scaevola, the most upright and distinguished man in our state, a man concerning whose merits this is not the place to say much, nor for all that is it possible to say more than the Roman people keeps in memory. Thereupon he indicted Scaevola as soon as he ascertained that he might possibly live. When some one asked him whatever charge he meant to bring against a man whose position was so distinguished that no one could find satisfactory words even for his praise, they say that the man, with his usual mad temper, replied: "Because he did not receive the whole of the weapon into his body." The Roman people never beheld a more shameful spectacle than this, except the death of this same man, which was of such portentous consequence that it insured the ruin and destruction of all the citizens, by whom he was himself slain for wishing to save them by effecting an agreement.

34. Does not the following closely resemble the saying and the deed of Fimbria? You accuse Sextus Roscius. Why so? Because he has escaped from your hands; because he would not allow himself to be murdered. The crime I mentioned appears more shameful because it was

committed in the case of Scaevola; is the crime more endurable because it is being committed by Chrysogonus? Why, in the name of Heaven, what need of defence is there in this case? What topic needs the ability of an advocate or wants to any considerable degree the eloquence of an orator? Let me set forth the whole case, gentlemen, and when I have set it out before your eyes let me examine it carefully. In this way you will ascertain without any difficulty the point on which the whole case turns, the topics on which I must speak, and the considerations by which you ought to be guided.

35. So far as I can see there are three obstacles in Sextus Roscius' way to-day:—the charge brought by his opponents, their reckless daring, and their powerful influence. Erucius has undertaken to concoct the charge; the Roscii have demanded for themselves the rôle of reckless desperadoes; while Chrysogonus, who is the most powerful, brings his powerful influence to the contest. I understand that I must say something on all these points.

36. What then is that something? I must not speak in the same manner on all of them; for the reason that the first task is a part and parcel of my duty; but the remaining two have been imposed upon you by the Roman people. I must crumple up the charge; it is your duty to withstand acts of reckless daring, and to stamp out and crush at the very first opportunity the dangerous and insufferable power of men of this sort.

37. Sextus Roscius is charged with having murdered his father. Ye deathless gods, a damnable and atrocious deed! a deed so foul that all crimes seem to be embraced by this one sin. For if, according to that striking saying of philosophers, filial duty is often violated by a look, what punishment shall be found severe enough for a man who has brought death upon his father, for whom the laws of gods and men irresistibly urged him to encounter death itself, if the occasion should demand it?

38. In the case of this atrocious, foul, and unique sin, of which examples are so rare that whenever it has been heard of it is reckoned as something like a prodigy and portent, which arguments, I ask, do you, Gaius Erucius, think an

accuser ought to use? Ought he not to show that the man who is called to answer the charge is characterized by a unique recklessness, a savage disposition, and a brutish nature; that his life was given up to all kinds of vice and villainy; and finally that his whole character was shattered and blasted in utter ruin. You have brought none of these charges against Sextus Roscius, not even for the sake of slanderous depreciation.

39. Sextus Roscius murdered his father. What sort of a man is he? A depraved young man, a good-for-nothing led on by other men? He is over forty years of age. A veteran assassin, of course, a desperado of much experience in murder? But you have not heard this even mentioned by the accuser. Then of course it was wanton indulgence and a vast burden of debt and uncontrollable avarice that drove him to this crime? From the charge of wanton indulgence Erucius cleared him when he stated that he was hardly ever present even at any dinner-party; and he never owed any man anything; moreover, what avarice can exist in the character of a man who, as his very accuser cast in his teeth, always lived in the country and spent his time in cultivating his land, a mode of life which is far removed from avarice and closely connected with the observance of moral duty?

40. What then suggested to Sextus Roscius the frenzied act that you charge him with? "His father," quoth he, "did not like him." For what reason? Of course that reason too must have been well grounded and weighty and unmistakable: for as it is incredible that a father should have been done to death by his son without numerous and weighty reasons, so too it is improbable that a son should have been strongly disliked by his parent without many weighty and cogent reasons.

41. Let us return again then to the same point, and inquire what were these serious faults in an only son which caused his father to dislike him. But it is plain there was not a single one. Therefore his father must have been mad to hate without cause a son of his own begetting. But he surely was the steadiest man in the world. Consequently this conclusion is surely clear—if the father was

not mad and the son was not a villain, the father had no motive for hatred, the son no motive for crime.

42. "I don't know," he says, "what the motive for the hatred was: but I am sure that the hatred existed, because formerly, when he had two sons, he always wanted the other, who is now dead, to be with him, while he banished this one to his country estates." The same difficulty that Erucius met with in his false and frivolous accusation I have experienced in an excellent cause: he could not find out in what manner he could establish his trumped-up charge; I cannot find out in what way I can disprove and crumple up such baseless statements.

43. What do you mean, Erucius? Did Sextus Roscius hand over to his son for him to cultivate and take care of those many fine and productive estates in order to inflict on him the punishment of exile? What think you of this? Do not heads of households who have sons, particularly gentlemen of Roscius' rank in country towns, think it most desirable that their sons should pay as much attention as possible to the family property, and spend a great deal of care and pains in cultivating their estates?

44. What? Did he send my client away thus that he might be on the estate and only get his food at the farm-house? That he should be destitute of all advantages accruing therefrom? What? Supposing it is a well-known fact that my client not only superintended the cultivation of the farms, but was even accustomed to enjoy the usufruct of certain farms during his father's lifetime? Despite all this, are you going to call this life of his a banishment and dismissal to the country? You see, Erucius, how far removed your argument is from the true facts of the case. What fathers customarily do, you find fault with as an innovation; what is done out of kindness you allege to have been done from hatred; the privilege the father gave to his son to show his respect for him, you say was meant to punish him.

45. And you do not fail to understand this, no, but you are so destitute of anything to allege in proof that you consider you must speak not only against us but against nature, and against the customs prevalent among men, and

against the convictions of all mankind. But you will say that although he had two sons he would not allow the one to leave his side, but he permitted the other to live on the estate.

I must request you, Erucius, to take this in good part; for I will not say it to reproach you, but merely by way of a reminder: (46) if fortune has not given you the advantage of being the son of any definite father, from whom you could learn the feelings of a father towards his sons, yet nature at least granted you the possession of a fair amount of human feeling. To that was added a taste for learning, to save you from being quite a stranger to literature. Now do you really think (to revert to comedy) that that old gentleman in Caecilius valued Eutychus, his country-bred son, less than the other, Chaerestratus (I believe that is his name), that he kept one with him in the city to show his respect for him, and banished the other to his country estate to punish him?

47. "Why do you go out of your way to find such frivolous instances?" you will say. As if indeed it would be difficult for me to bring forward by name as many instances as you like, not to go too far afield, from among my fellow-townsmen or my neighbours who desire their children, for whom they have the greatest regard, to settle down as farmers. But it would be an offensive proceeding to take as instances men of our acquaintance, since we cannot be sure whether they would like to be mentioned or not, and nobody is likely to be better known to you than this Eutychus, and at any rate it makes no difference with regard to the main question whether I mention a youth from a comedy or one from the lands of Veii. For indeed I consider these characters were invented by the poets that we might see our own characters represented in the persons of others, and a life-like picture of our daily life.

48. Come now, please turn your attention to the facts of the case, and reflect upon the pursuits that meet with most approval from heads of households, not only in Umbria and in the surrounding districts, but also in old-established townships near Rome: at this point indeed I would have

you know that from lack of real grounds for accusation you have turned Sextus Roscius' chief claim to praise into a fault and a disgrace. But it is not only at the wish of their fathers that sons do this; I have known—and unless my imagination is misleading me, so have each of you known—a great many men in whom there has been spontaneously kindled a keen interest for agriculture, and who consider this country life, which you think ought to be a ground for reproach and accusation, to be most honourable and pleasant.

49. What think you was the interest in and knowledge of the details of a country gentleman's life displayed by my client Sextus Roscius himself? As I am told by his relations, who are very honourable gentlemen, you are not more skilful in your profession as accuser than he in his. However, I suppose, since this is Chrysogonus' pleasure, and he has left my client not a single estate, my client will have the privilege of forgetting his craft and laying aside his zeal. And although this is a shameful indignity, yet he will bear it patiently, gentlemen, if he can by your help preserve his life and reputation. This however is indeed beyond endurance, that he has not only fallen into this disastrous situation owing to the excellence and number of his estates, but the fact that he took an interest in cultivating them is to be turned into the bitterest prejudice against him, for fear that it were not shame enough for him to have cultivated them for others instead of himself, without his having the fact that he cultivated them at all made a ground for accusation.

50. Of a truth, Erucius, you would have been a ridiculous accuser had you been born in the days of old, when men were summoned from the plough to be made consuls. For since you think it is a disgraceful occupation to superintend the cultivation of the soil, you would of course set down the famous Atilius, whom the envoys found sowing the seed with his own hand, as a base and dishonourable man. But be assured our ancestors set a far different value on him and other men like him. And thus it was that they raised this commonwealth from insignificance and poverty, and bequeathed it to us as one of the highest importance

and greatest prosperity. For they busied themselves in tilling their own lands, and did not covetously hanker after other people's: and by these means they added lands and cities and nations to the commonwealth and the empire and the great name of the Roman people.

51. And I do not bring forward these instances on the ground that the instances about which we are now inquiring are fit to be compared with them, but in order that you may understand that, inasmuch as among our ancestors distinguished and famous men, who were called upon from time to time to sit at the helm of the state, nevertheless devoted also some time and pains to the cultivation of their lands, you ought to pardon a man who confesses that he is a country man because he has always led a busy life in the country; especially as there could be nothing which he could do to give more pleasure to his father, or more gratification or indeed more honour to himself.

52. So it is a very bitter hatred on the part of the father towards his son that is proved, methinks, Erucius, from the fact that he allowed him to reside in the country. Is there anything else? "Yes, indeed there is," says he; "for he intended to disinherit him." I will listen to that: now you say something to the point; for even you admit this charge is frivolous and worthless:—"He did not go to festive gatherings with his father." Of course not, as he did not even come to town except on very rare occasions. "Hardly any one asked the defendant home to dinner." That's not surprising, since he did not live in Rome, and was not in a position to return their invitation.

However, you yourself know that all this is mere trifling: let us look at the statement we began with (and a surer proof of hatred cannot by any possible means be found):—(53) "The father intended to disinherit the son." I refrain from asking his motive: I ask how you know it;—though you ought to have declared and enumerated every motive, and though it was assuredly the duty of an accuser who charged a man with so heinous a crime to state at length all the faults and offences of the son which could have so kindled a father's wrath as to make it possible for him to

bring himself to overcome the promptings of Nature herself, to cast out from his heart that affection so deeply rooted in it, in a word, to forget that he was a father; a disaster that I believe could not have happened but for great offences on the part of my client.

54. But I allow you to pass over those things about which if you are silent you admit that they do not exist at all. Your statement that he intended to disinherit his son you certainly ought to prove. Well then, what reason do you bring forward to warrant our believing that it was done? As a matter of fact you cannot state any. Well, at any rate draw on your imagination for something to suit the occasion, so that you may not be clearly seen to be doing, what you are doing openly, I mean mocking at the misfortunes of my hapless client and the influential position of these worthy gentlemen. "He intended to disinherit his son." "From what motive?" "I don't know." "Did he disinherit him?" "No." "Who prevented him?" "He was pondering over the matter." "To whom did he tell that?" "No one." For what else is the meaning of misusing the law-courts and the laws and your worshipful selves for one's gain and at one's caprice, if it be not making accusations in this manner, and making a charge which so far from being able to prove you do not even attempt to prove.

55. There is no one of us who is not aware there are no grounds for enmity between you and Sextus Roscius; every one sees your motive for coming as his enemy: they know that you were led on by the prospect of my client's property. What is the conclusion then? You should have tempered your desire of gain by reflecting that the opinion of the jury about you and the Remmian law must have some authority. It is advantageous that there should be many accusers in the state, provided they are withheld from recklessness by fear; but nevertheless this is only advantageous provided that we are not mocked by the accusers. A certain man is innocent: nevertheless although he is far from blameworthy, yet he is not free from suspicion. Though it is an irksome task, yet I could bring myself to pardon in one way the man who accuses this

man: for, when he has something to say which involves a charge and a suspicion, he would not appear to be of set purpose mocking and slandering him openly.

56. This is the reason that we readily allow the existence of as many accusers as possible, because an innocent man can be acquitted after being accused, a guilty man cannot be condemned without being accused; and it is, of course, more expedient that an innocent man should be acquitted than that a guilty one should not be tried. The Geese are fed by public contract and the Dogs are kept on the Capitol, to give warning of the approach of thieves. You will say that they cannot distinguish thieves; well, but they give warning if any one comes into the Capitol by night, because such an occurrence excites suspicion, and, although they are brute beasts, they err rather on the side of caution. But if the dogs were to bark by day as well, when any persons come to worship the gods, I believe their legs would be broken, because they show their keenness even at a time when there is no ground for suspicion.

57. The case is very much the same with accusers: some of you are geese, who only make a noise but can do no harm, some are dogs who can both bark and bite. We see your food is being given to you; and you ought above all things to attack those who deserve it; this is what the people like best: after that if you wish, just at the very moment when some one has committed a crime, you must bark from suspicion. That also may be granted. But if you are going so far as to charge a man with having murdered his father without being able to state why or how he did it, and if you mean to bark with hardly any ground for suspicion, no one will break your legs; but if I know these gentlemen well, that letter, to which you have been so bitter a foe as actually to hate all the Calends, will be so firmly fixed upon your forehead as to make it impossible for you hereafter to find fault with any one else save only your own destiny.

58. What have you given me as subject-matter for my defence, my kind accuser? What have you given these gentlemen as grounds for suspicion? "He was afraid of being disinherited." So you say, but no one states any

reasonable ground for his fears. "His father intended to do so." Prove that. It is no good. You do not show with whom he made his plans, whom he informed of the deed, whence it occurred to you to suspect what you allege. When you bring charges in this way, Erucius, do you not publicly say: "I know what I was paid, I don't know what I am to say; the only thing I have regarded is what Chrysogonus said, that no one would support my opponent's case; that there was no one who would dare to say a word about the sale of property or about their conspiracy during the present crisis." It is this illusory expectation that has brought you into your present false position. Heaven knows you would not have said a word had you thought that any one would answer you.

59. It was worth your while, if you observed, gentlemen of the Jury, his recklessness in bringing charges, to consider it well: I believe that when he saw the men who were seated in these benches, he asked whether this one or that one was to make the defence: about me he had not even a suspicion, because I had not pleaded in a state-trial before. When he could find no one of the able and customary speakers, he began to behave with such indifference that, according as it took his fancy, he would sit down and then take a stroll, and sometimes even call a slave, I suppose, to give him orders for dinner, precisely for the purpose of treating you gentlemen on the bench and this assembly here as if you constituted an empty space.

60. At last he finished his speech; he sat down; I stood up: he seemed to breathe freely because no one else was to plead rather than I. I began my speech. I observed, gentlemen, that he was continually making jokes and paying no attention, before I mentioned Chrysogonus' name: as soon as I touched upon that, he at once started up; he appeared to be amazed. I knew what had pricked him. I mentioned the name a second and a third time. After that, people have kept running to and fro, I presume, to carry tidings to Chrysogonus that there is some one in the state with the courage to speak against his will and pleasure; that I am pleading the case differently from what he expected; the sale of property is being made

public; the conspiracy is being very roughly handled; his powerful influence is being treated lightly; the jurymen are paying careful attention; the people think the case a scandal.

61. Since these things have escaped your notice, Erucius, and since you see that all is changed, that Sextus Roscius' cause is being pleaded, if not satisfactorily, yet at least outspokenly; that the man you thought was being handed over to you is being defended; that those you expected would betray him are judging the case; give us back now if ever your old and famous cunning and skill, or confess that you came here with the expectation that this would not be a process at law but a process of spoliation.

I am pleading a case of parricide: the accuser has given no reason why the son murdered the father. (62) Erucius does not think it his duty in a case of parricide to make any inquiry into the motive of the crime, though such an inquiry is made as of chief and primary importance in dealing with the smallest offences and the less serious illegalities we know of, which are of still more frequent and now almost daily occurrence. In the case of parricide, gentlemen, even when many motives seem to have converged to one centre and to be mutually consistent, yet the charge is not believed without due cause, nor is it weighed by careless guessing, nor is a doubtful witness listened to, nor is the case decided by the accuser's ability. Not only the previous commission of many crimes and an utterly abandoned life, but an unexampled recklessness must needs be proved in the case of the prisoner, and not merely recklessness but absolute madness and frenzy. Though all this be present, nevertheless the traces of the crime must stand out in clear relief, the scene, the plan, and the abettors of the crime, and the time at which it was committed; and unless these are numerous and clearly proved, surely a crime so foul, so heinous, so atrocious cannot be believed.

63. For great indeed is the power of human nature; strong too the force of common ties of blood: Nature herself cries out against suspicions of the sort you entertain; it is a prodigy and an indubitable marvel that there

should exist a being of human face and mien, who so far surpasses brute beasts in savageness as to have most shamefully robbed of the light of day those to whom he owes it that he ever looked upon the pleasant light around us; for the bearing and rearing of offspring, ay, and Nature herself teaches wild beasts to be at peace with one another.

64. Not so very many years ago, according to all accounts, a certain Titus Caelius of Tarracina, a well-known man, after dining retired to rest in the same chamber as his two young sons, and was found murdered in the morning. As no slave or free man was found to whom any suspicion could attach itself, while his two sons, of the age of I have stated, who were lying quite close, declared that they had not even seen the culprit, the sons were brought to trial for parricide. What could be so suspicious? What? neither of them saw him? What? did any one dare to venture into that chamber, then of all times, when there were two young sons on the spot, who could easily see them and defend him?

65. Moreover, there was no one on whom suspicion could fairly be thrown. Nevertheless, when it has been proved to the satisfaction of the jury that they had been found asleep with the door open, the young men were acquitted by the court and freed from all suspicion. For no one could believe that there existed a man who, after polluting all laws human and divine by an atrocious crime, could have immediately gone to sleep; inasmuch as after committing so terrible a deed, so far from being able to enjoy rest, men cannot even draw breath without fear.

66. Do you see how those whom the poets have fabled to have exacted retribution from a mother to avenge a father, even though they are said to have done the deed in obedience to the behests and the oracles of the immortal gods, how, I say, they are for all that chased by Furies and not suffered to find any abiding-place, because they could not even do their duty without guilt? Thus stands the matter, gentlemen of the Jury. There is in a father's and a mother's blood a great power, a strong tie of kinship, and a high sanctity: and if any stain is contracted therefrom, it cannot be washed out, nay more, it penetrates so

deeply into the heart that utter madness and frenzy ensue.

67. For I would not have you believe, as you often see in plays, that those who have done any deed that involves impiety and guilt are chased and affrighted by the Furies' blazing torches: each of them is most grievously tormented by his own sin and his own terrors; each of them is distracted and maddened by his own guilt; he is terrified by his own evil thoughts and by the stings of conscience. These are the abiding Furies that dog the steps of impious men, which day and night are exacting expiation for their parents from blood-guilty sons.

68. Such is the enormity of the crime, that were not the charge of parricide that is brought forward almost self-evident it would be incredible; unless his youth is stained with disgrace, unless his life is befouled with iniquities of all kinds, unless he is guilty of shameful and scandalous extravagance, of headlong daring, and such recklessness that he seems little short of being mad. To this ought to be added hatred on the part of his father, fear of punishment from his father, bad friends, slaves for his confederates, a fitting occasion, and a scene suitably chosen for that crime: I would almost say that the Jury ought to see his hands sprinkled with his father's blood if they are to believe in so foul, so monstrous, so unnatural a deed.

69. Therefore the less credible this crime is, unless it is proved, the more need is there to punish it, if it is indisputably established. Consequently we can infer from many things that our ancestors were superior to all other nations not only in arms but also in policy and prudence, and particularly from this fact, that they devised a unique mode of punishment for the undutiful. And in this matter think how far they excelled in wisdom those who are said to have been the cleverest among the ancients.

70. History tells us that the wisest state was that of Athens, so long as her supremacy lasted; moreover they say that Solon was the cleverest man of that state, the man who wrote the laws they use even to this day: when he was asked why he had fixed no punishment for a man who had slain his father—he answered that he did not believe any

one would do the deed. He is said to have acted cleverly in not making any enactment about a crime which had not been committed before, lest he might appear not so much to prevent as to suggest it. How much more wisely our ancestors acted! As they knew that there is nothing so sacred that recklessness does not at times lay violent hands upon it, they invented a unique punishment for parricides, in order to deter from the crime by the enormity of the punishment those whom nature unaided had not been able to keep to their duty: they ordained that such men should be sewn into a sack while still living, and cast into running water.

71. A truly unique example of wisdom, gentlemen! Do they not seem to have taken, to have torn from the universe such a man, since on a sudden they robbed him of the heaven and the sun, and of water and earth, in order that the man who had slain the author of his own existence might be without all those things from which all things are said to have derived their existence? They would not throw the body to wild animals, lest we might find even brute beasts more savage by contact with such an abomination; they would not throw them naked as they were into running water lest, when they had been cast into the sea, they might defile that very element by which other things that have been polluted are believed to be purified; in a word, there was nothing worthless or common enough for them to leave such men any particle of it.

72. Yet indeed what is so common as breath to living men, earth to dead men, sea to those who are tossed in the waves, the shore to those who have been cast ashore? They live while they can do so without being able to breathe the air from the firmament. They die so that the earth cannot cover their bones; they are tossed in the waves so that they can never be touched by them; finally they are thrown ashore so that they cannot rest even on the rocks when dead. Do you think you can prove a charge involving such a crime, a crime for which so unexampled a penalty has been fixed? do you think you can establish it, Erucius, to the satisfaction of good men and true like those, if you do not even bring forward a motive

for such a crime? If you were to accuse my client even before the purchasers of the property, and if Chrysogonus were to preside over that court, you ought nevertheless to have come with more careful preparation. Is it that you fail to see the nature of the case, or rather the character of the judges?

73. The case is one of parricide, a crime which cannot be taken on one's shoulders without many motives; while the judges are men of superior wisdom, who know that no man can commit even the smallest crime without a motive. Very good: you can't bring forward a motive: well, although I ought to have won my case at once, yet I will withdraw from my rightful claim, and, relying on my client's innocence, I will yield to you in this case what I would not yield in another: I do not ask you why Sextus Roscius murdered his father: I ask how he murdered him. Therefore I ask you, Gaius Erucius, How? And I shall adopt this method of proceeding with you. I shall give you permission to answer or contradict me during my time for speaking, or even of asking me questions, if you wish.

74. How did he commit the murder? Did he strike the blow himself, or did he give him over to others to murder? If you say that he struck the blow himself, he was not at Rome. If you say that he used others as tools to do the deed, I ask: Were they slaves or free men? If free men, what men? Men from the spot at Ameria or murderers from here at the metropolis? If from Ameria, who are they? Why are they not named? If from Rome, from what source did Roscius come to know them, a man who has not visited Rome for many years, and was never there more than three days? Where did he meet them? How did he consult with them? How did he persuade them? He bribed them. To whom did he give it? Through whom did he give it? On whom did he draw, and how much did he give? Is it not by such traces as these that the source of a crime can generally be arrived at? And at the same time be sure you reflect on the manner in which you delineated my client's life:—that he was savage and boorish; that he never entered into conversation with any one; that he never stayed in a town.

75. While dealing with this topic, I pass over a point which might have served as a strong argument in establishing my client's innocence:—that in country habits, in meagre diet, in a rough and uncivilized mode of life, crimes of the sort you describe do not generally find their origin. Just as you would not be able to find every plant or tree on every soil, so every crime does not arise in every kind of life. In the metropolis wanton extravagance is produced; from such extravagance rapacity necessarily arises; from rapacity reckless daring breaks out; thence spring all sorts of iniquities and crimes; but this country life, which you call boorish, is the teacher of economy, industry, and fair dealing.

76. But I pass over these points: I ask you this question: Who were the men by whose agency that man, who, as you yourself admit, never was much among men, could have got so heinous a crime committed with such secrecy, and that though he was not on the spot? There are many false charges, gentlemen, which can be brought so as to arouse suspicion; but in the case of these allegations if any ground for suspicion shall be found, I will admit that there are grounds for blame. Sextus Roscius was murdered at Rome, when his son was in the lands of Ameria: he sent a letter, I suppose, to some murderer,—he who knew no one at Rome. "He summoned some one." Whom and when? "He sent a messenger." Whom and to whom? "He persuaded some one by a bribe, by his influence, by the hopes and promises he held out." None of these charges can be even invented, and yet we have here a trial for parricide.

77. It remains that he must have committed the crime by means of slaves. Ye gods immortal! what a lamentable and disastrous thing it is that Sextus Roscius is not allowed to adopt a course which in the case of a serious charge like this is generally the refuge of an innocent man, I mean to offer his slaves for examination by torture. You, who accuse my client, have all his slaves in your possession; not one young slave to attend on his daily needs has been left to Sextus Roscius from his numerous household. I now call upon you, Publius Scipio, on you, M. Metellus: it

was when you were his supporters, when you were conducting his case, that Sextus Roscius several times demanded from his opponents two of his father's slaves for torture: do you remember that Titus Roscius refused? Why? Where are those slaves? They are in the retinue of Chrysogonus, gentlemen: with him they are honoured and valued. Even now I demand that they be examined, my client entreats and beseeches it.

78. What are you doing? Why do you refuse? Now be uncertain, gentlemen, if you can, by whom Sextus Roscius was murdered, whether it was by him who through his death now lives in the midst of poverty and conspiracies, who is not even allowed an opportunity of making an inquiry about his father's death, or by those who shirk an inquiry, and retain possession of the property, and live amidst bloodshed and by bloodshed. All the details in this case, gentlemen, are deplorable and shameful, yet nothing can be brought forward that is more exasperating and unfair than this: a son cannot examine his father's slaves about his father's death. Can he not be master of his own slaves even for as long as it would take to examine them with regard to his father's death? I will come to this point just a little later on: for the whole of these statements affect the Roscii, about whose reckless daring I promised I would speak, when I had dispersed the charges of Erucius. Now, Erucius, I come to you.

79. If my client is really implicated in this crime, I must agree with you either that he did it with his own hand, which you deny, or that he did it by means of certain free men or slaves. Free men? When he cannot show how he can have met with them, nor in what way he can have persuaded them, nor where, nor through whom, nor with what hope, nor for what bribe. I, on the contrary, prove that Sextus Roscius not only did none of those acts, but that he could not have done so, because he had not been in Rome for several years, and had never left his estates without due cause. There apparently remained to you the mention of slaves, to which you could fly as to a haven when driven back from your other attempts at raising suspicion, but where you strike upon a rock so dangerous

that you not only see your charge rebound therefrom, but you perceive that every suspicion recoils upon yourselves.

80. What follows then? Pray where does the accuser take refuge in his lack of arguments? "The times were so disastrous," says he, "that men were murdered with impunity quite commonly, and therefore you could have done this deed without any trouble, owing to the vast number of murderers." You sometimes appear to me, Erucius, to be killing two birds with one stone, to be striking at us through the verdict, while accusing the very persons from whom you received the bribe. What do you say? Murders were committed quite commonly? Through whom, and by whom? Don't you remember that you were brought to this by the brokers? What then? Don't we know that those same brokers were generally the men who broke necks?

81. In fine, shall those men who were rushing about day and night with swords in their hands, who were continually at Rome, who were always to be found in the midst of plunder and bloodshed,—shall they cast in Sextus Roscius' teeth the cruel injustice of those times? And shall they consider that the then vast number of murderers (in which number they themselves were the leaders and chiefs) is to be a ground for accusing my client, who so far from being at Rome was absolutely ignorant of what was going on at Rome, since he was constantly in the country, as you yourself admit?

82. I am afraid that you will think me tedious, gentlemen, or else that I shall appear to lack confidence in your abilities, if I argue any longer on such palpable facts. The whole of Erucius' charge has been refuted, I think; unless perchance you are waiting for me to refute the accusations about embezzlement of state property and imaginary offences of that sort, of which we heard nothing before and which are quite new to us. These he seemed to me to be declaiming from another speech, which he was preparing against another prisoner; so far were they from having anything to do with the charge of parricide or with the man who is on his trial: and since he supports his charges by assertion, it is enough to deny them by assertion. If

there is anything he is keeping back till the witnesses are examined he will find me there, as in my pleading, better prepared than he thought.

83. I now come to a point to which I have not been led by my own wish but by my sense of duty, for if I wished to accuse, I should be more ready to accuse others at whose expense I could advance my position: and that I am resolved not to do while I have the option of either course; for I think he is the most honourable man who rises by his own ability to a higher place, not he who rises by his neighbour's loss and ruin. Let us cease awile examining baseless charges. Let us seek a crime in the place where it is and can be found. You will thus at once understand, Erucius, how many grounds for suspicion are required to establish a genuine charge, though I will not mention all of them but I will touch upon each one lightly. For I would not do this were it not necessary, and there will be this much proof that I am acting unwillingly, namely, that I will not follow him up further than my client's safety and my own loyalty require.

84. You could discover no motive in Sextus Roscius: but I do find a motive in Titus Roscius. I must settle matters with you, Titus Roscius, since you are sitting there and openly professing yourself to be my opponent. We will see about Capito afterwards if he comes forward as a witness, as I hear he is prepared to do. Then he shall hear of other victories of his, of which he does not suspect that I have even heard. The well-known Lucius Cassius, whom the Roman people regard as a judge of faultless conscientiousness and wisdom, was in the habit of constantly asking in trials, in whose interest it had been. Such is human life, that no one attempts to compass a guilty deed without hope of advantage.

85. When this man was president and when he sat as juryman, he was avoided and greatly feared by those involving whom a trial was being got up, for the reason that, although he was a lover of truth, yet he seemed by nature not so much inclined to pity as unrelenting to a degree amounting to harshness. Now although the president of this court is a man who in meeting reckless daring

shows the utmost resolution, and on the side of innocence the utmost lenience, yet I should be glad to run the risk of pleading for Sextus Roscius either with that judge conducting the trial in person, or before jurymen of Cassius' stamp, whose very name is even now shuddered at by men upon their trial.

86. For in this case, on seeing our opponents in possession of an extremely wealthy property, while my client is in extreme poverty, they would not ask for whose advantage it had been, but, regarding that as self-evident, they would attach the suspicion of guilt rather to the spoiler than to the needy. What if there is besides this the fact that you were poor before? What, if you were covetous? What, if you were reckless? What, if you were the bitterest foe of the murdered man? Need we seek the motive which led you to so heinous a crime? Well then, which of these presumptions can be denied? The poverty of the man is so evident that it cannot be cloaked, and indeed the more it is hidden the more clearly apparent it becomes; (87) you openly display your greed in having entered into a conspiracy with an absolute stranger to secure the property of a fellow-townsman and a kinsman; passing over other matters in silence, the extent of your recklessness could be inferred by everybody from the fact that you alone, out of the whole confederacy, that is, out of this crowd of assassins, let yourself be fixed upon as the man to sit with the prosecutors, and not only show us your shameless face but thrust it upon us; you must admit that you had grounds for enmity towards Sextus Roscius and serious disputes about the family possessions.

88. Gentlemen of the Jury, it remains that we weigh this point, which of the two is more likely to have murdered Sextus Roscius: the man to whom his wealth came on his death, or the man on whom destitution fell; the man who hitherto was poor, or the man who thereafter became absolutely penniless; the man who in the burning passion of greed rushes to attack his kith and kin, or the man who always pursued such a mode of life that he did not know of business profits at all, but only of such produce as he obtained by toil; the man who is the most

reckless of brokers, or the man who through his lack of acquaintance with the forum and the law-courts shrinks not only from the benches in the court, but even from the city itself; lastly, gentlemen, this point which in my opinion is of the highest importance with regard to the matter in dispute,—whether an enemy or a son was more likely to do it.

89. Had you, Erucius, found as many strong points as these in the case of a man you were accusing, how long you would make your speech! What a boastful air you would assume! Time indeed would fail you sooner than words. For the subject is of so wide a scope that you can spend a day on every detail; and so can I; for, without being arrogant, I must refuse to think of myself in so derogatory a manner as to believe that you can speak more fluently than I. However, perhaps I may be reckoned one of the mob owing to the number of advocates: the recent Massacre of Cannae has made you a fairly good accuser. We have seen many murdered men not at the Lacus Trasumenus but at the Lacus Servilius.

90. Who on that field was not smitten with Phrygian steel? There is no need to mention all in detail,—the Curtii, the Marii, and again the Mammei, who by this time were being recalled from active service by their age, and finally even that old Priam, Antistius, who was now kept from the field not only by his age but by the laws. Moreover, there are hundreds of men, whom nobody mentions owing to their insignificance, who were in the habit of bringing accusations of murder and poison; and so far as I am concerned I wish they were all living; for it is a distinct advantage that there should be as many dogs as possible, where there are many persons to be watched and many things to be guarded.

91. And yet, as usual, the violence and confusion of war often brings in its train many disasters without the knowledge of the commanders: while he, who was managing all the affairs of the state, was engrossed with other matters, there were some meanwhile who were healing their own wounds, who, just as if endless night had spread over the republic, were rushing about in the darkness and throwing

everything into disorder: and I am astonished they did not burn up even the benches, so as to leave no trace of the law-courts: for they removed both the accusers and the jurymen. It is an advantage that they lived in such a way that they could not kill every witness if they wanted to; for so long as the human race exists, there will not be wanting some one to accuse them: so long as the constitution lasts, trials will be held. But, as I began to say, if Erucius also had in his case the arguments I have mentioned at length, he would be able to go on stating them as long as he liked, and I, gentlemen, am able to do so, but my intention is, as I said before, to pass over them lightly and merely to glance at each detail singly, that the world may know I am making my accusation not from inclination but at the demands of duty.

92. Well then, I see that there are many motives which might have urged him on. Let us now see whether he had any opportunity of committing the crime. Where was Sextus Roscius murdered? At Rome. Why? Where were you at that time, Roscius? At Rome. But how does that bear upon the question? Many others were there too. As if the question now at issue were who out of this great population committed the murder, and we were not inquiring precisely this, whether it is more probable that the man who was murdered at Rome was murdered by the man who at that time was continually at Rome, or by the man who for many years has altogether abstained from coming to Rome.

93. Come, now let us think over his other opportunities besides. At that time there was a vast number of assassins abroad, as Erucius has told you, and men were murdered with impunity. Again, of whom did that vast number consist? I suppose either of those who did business in property or of those who were hired by them to murder some one. If you think they were men who were seeking after other people's property, you are in that category, for you are enriched by our money; but if you think they are men whom those who use the gentler name call "stabbers," ask in whose service and under whose patronage they are, and you will, I assure you, find a certain member

of your confederacy; and contrast whatever you say in reply with my defence: in this way can Sextus Roscius' case be most easily contrasted with yours.

94. You will say, "What follows if I was continually at Rome?" I shall reply, "But I was not there at all." "I confess that I was a dealer in property, but so were many others." "But I, as you yourself allege, was a country farmer." "It does not follow that because I did join myself to a band of assassins I am an assassin." "But surely I, who was not even acquainted with any assassins, am quite out of reach of a charge of that nature." There are many grounds, which can be stated, whereby it can be understood that you had every facility for committing the crime, and I pass over these not only because I am not accusing you from my own inclination, but still more because, if I choose to speak at length about those bloody deeds which were done at that time in the same way as you murdered Sextus Roscius, I am afraid my speech will appear to be pointed at a large number of people.

95. Now let us give a glance, as we did at the other details, so at the things you did, Titus Roscius, after the death of Sextus Roscius. They are so evident and clear that, so help me the god of faith, gentlemen, I should be sorry to detail them; for I am afraid, Titus Roscius—whatever be your character—that people will think my desire for the safety of my client has been so strong as to prevent my showing any consideration at all for you. While I am afraid of this and desire to spare you in some degree, so far as I can without breaking through my obligations, I am again changing my purpose: for your effrontery comes back to my memory. When the rest of your confederates fled and hid themselves, so that the trial might seem not so much one concerning their plunder as about my client's crime, to think that you should have claimed for yourself the rôle you have claimed of busying yourself in this court and sitting with the prosecutor! By this conduct you will get nothing except the privilege of having your recklessness and brazen effrontery known to all mankind.

96. After the murder of Sextus Roscius, who was the

first to bring news to Ameria? Mallius Glaucia, whom I have named before now, your client and a member of your household. What had he of all men to do with bringing news of a matter which concerned you less than anybody in the world, if you had before this entered upon no plan to secure his death and obtain his property, and had not joined with any man in a conspiracy for crime and plunder? "Mallius brought the tidings without being asked." What concern was it of his, I ask? What? was it a mere matter of chance that after coming to Ameria without having this purpose in view he was the first to announce what he had heard at Rome? For what purpose had he come to Ameria? "I cannot guess," he says. I will now bring the matter to a point at which there is no need of guessing. On what principle did he bring news to Capito first? When there were at Ameria, Sextus Roscius' home, his wife, and his children, when there were his numerous kith and kin who were on very good terms with him, on what principle did it happen that that client of yours, the messenger of your own crime, brought news to Titus Roscius Capito before all others?

97. He was murdered while returning from dinner: it was not yet dawn when the fact was known at Ameria. What means this unprecedented pace, this speed and hurry? I do not ask who struck the blow; you have nothing to fear, Glaucia; I don't shake you out in case you had any weapon, I don't search you, it's no business of mine, I think: when I discover who planned the murder I don't care by whose hand the blow was struck. This is the only thing I take as certain, which indeed is granted me by your evident guilt and the convincing proof brought forward. Where and from whom did Glaucia hear of it? How did he learn of it so quickly? Suppose he heard it at once. What motive constrained him to hurry over so long a journey in a single night? What was the pressing necessity that compelled him (if he did make the journey to Ameria unasked) to set out from Rome at so late an hour, to rest during no part of the night? Must we ask for proof or make conjectures even in the case of facts so plain as these?

98. Do you not seem to see, what you have heard, with your own eyes, gentlemen? Do you not behold that hapless man, ignorant of his coming doom, returning from dinner, the ambush laid, the sudden attack? Does there not arise before your eyes the figure of Glaucia in the midst of his bloody work? Is not Titus Roscius there? Does he not mount that Automedon in the chariot with his own hands, to carry the tidings of his most atrocious crime and abominable success? Is he not begging him to keep awake that night, to use every effort out of personal regard for him, to tell the news to Capito at the very first opportunity?

99. What was his reason for wishing Capito to know first? I don't know: only I observe this, that Capito shares the property with him: out of the thirteen farms I notice that he owns the three finest farms.

100. Moreover, I am told that this is not the first time a suspicion of this sort has been brought upon Capito; that his prizes of infamy are numerous enough: but this is the first ribboned wreath to be brought to him from Rome; that there is no way of murdering a man whereby he has not murdered some, many of them by the sword, many by poison; I can even tell you of a man whom, contrary to our ancestral custom, he threw from the bridge before he was a sexagenarian; and if he comes forward, or rather when he comes forward—for I know he will come forward—he shall be told this.

101. Let him only come: let him undo that roll of his which I can prove that Erucius wrote for him; that roll which they say he brandished in the face of Sextus Roscius while he threatened to state all its contents as evidence. A fine witness, indeed, gentlemen! A dignity of character worthy of your expectations! A course of conduct honourable indeed, and such as to induce you willingly to bring your oath down to the level of his evidence! Assuredly we should not see their guilty deeds so plainly did not greed and covetousness and reckless daring make them blind.

102. One of them sent a winged messenger straight from the murder to his comrade and master at Ameria, so that

if all the world had wanted to conceal the fact that they knew whose was the guilt, he himself would have made his own crime evident before the eyes of them all; the other, if such be the will of the immortal gods, is to give evidence against Sextus Roscius: as if indeed the question now at issue were whether his statements are to be believed, and not rather whether his deed is to be punished. Therefore through the customary practice of our ancestors it has become a principle that even in the smallest matters men of the highest distinction should not give evidence about a matter involving their own interests.

103. Africanus, who by his title proclaims that he conquered one-third of the world, would nevertheless not be giving evidence if his own interests were now at stake; I do not venture to say this about so famous a hero, that if he were to give evidence he would not be believed. Observe now how changed and altered for the worse all things are. In the present trial concerning property and murder he who is both a broker and an assassin is to give evidence, that is to say the man who is the purchaser and owner of the very property in question, and has taken care that the man whose murder we are inquiring into should be killed.

104. What would you, my excellent sir? Have you anything to say? Listen to me: see that you look after yourself; you too have great interests at stake. You have done many guilty, many reckless, many iniquitous deeds; but one of them was utterly foolish, done no doubt of your own free will without Erucius' advice; there was no need for you to take your seat there; for nobody ever employs a dumb accuser nor a witness who rises from the accuser's bench. Moreover there was the fact that your partisanship was after all somewhat more covert and concealed than is usual. But as it is, what is there that any one of you wishes to hear when you act so strangely that you seem to act of set purpose for our interests and against your own?

105. Come, gentlemen, let us now look at the events that immediately followed: news of Sextus Roscius' death was brought to Chrysogonus in the camp of Lucius Sulla

near Volaterrae within four days from the time of the murder. Is there even now any question as to the man who sent that messenger? Is it not perfectly clear that he is the same man who sent to Ameria? Chrysogonus, though knowing nothing about the man or the facts of the case, took measures to have his goods put up for sale without delay. But how did it occur to him to covet the estates of a man who was a stranger to him, whom he had never set eyes on at all? You generally say at once, gentlemen, when you hear any question of this sort: Some one of the same town or neighbourhood must have told him. They are the persons who generally give evidence; it is through them that people are generally betrayed. In the case before us, there is no ground for regarding this fact as a mere matter of suspicion.

106. For I am not going to argue thus:—it is probable that the Roscii carried information about that matter to Chrysogonus; for they and Chrysogonus had already been on friendly terms before this; indeed, though the Roscii inherited from their ancestors the patronage and guest-friendship of many old families, they had ceased to show esteem and regard to any of them, and had put themselves under the protection and patronage of Chrysogonus. (107) All these statements I can make with perfect truth, but in this case there is no need of assumption: I am sure that they themselves do not deny that Chrysogonus took steps to secure this property at their instigation. If you fix your eyes upon the man who received his share as informer, will you find it possible to doubt, gentlemen, who gave the information? Who therefore, in the case of this property, are the men to whom Chrysogonus gave a share? The two Roscii. Was there any one else whatever? No one, gentlemen. Can there be a doubt, then, that this plunder was offered to Chrysogonus by the men who received from him a share of the plunder?

108. Come now, let us consider the action of the Roscii according to Chrysogonus' own verdict: if they had done nothing worth considering in that battle, why were they presented with such great rewards by Chrysogonus? If they did nothing else except carry information about the

affair, would it not have been sufficient for them to receive thanks? At most, supposing they were very liberally treated, to have a small honorarium given them? Why are three farms of such great value immediately given to Capito? Why does our opponent Roscius own all the rest in partnership with Chrysogonus? Is it not palpably evident, gentlemen, that Chrysogonus gave up these as spoils of war to the Roscii after examining their case?

109. Capito came as envoy to the camp among the ten leading men. You can understand the whole of his conduct in life, his disposition and character from this commission alone: unless you are convinced, gentlemen, that there is no moral duty, no legal sanction too sacred and inviolable for his wickedness and treachery to break through and subvert, you must come to the conclusion that he is a blameless man.

110. He prevented Sulla's being informed of these proceedings; he divulged the plans and the purpose of the other envoys to Chrysogonus; he warned him to take measures to prevent the application being heard in public; he pointed out that if the sale of property were rendered null and void, Chrysogonus would lose a large sum of money, while he himself would incur the risk of capital punishment; he spurred Chrysogonus on, while throwing dust in the eyes of the envoys who had been sent with him; he repeatedly warned him to be on his guard, while treacherously holding out false hopes to them; he formed plans with him against them, while divulging to him all their plans; he bargained for his share with him, while he could always rely on some excuse for delay to enable him to bar every approach to Sulla; finally, it was owing to his prompting, advice, and guarantee that the envoys did not come into Sulla's presence; it was through his promises, or rather his broken promises, that they were deceived—a fact which you will be able to hear from their own lips, if the prosecutor chooses to subpoena them—and thus carried home a delusive hope instead of any certain success.

111. In private business, if any one carried out a trust, I do not say fraudulently for his own interest and profit, but even without proper care, our ancestors deemed that

he had been guilty of a most dishonourable act; accordingly there was instituted legal procedure dealing with breach of trust, involving no less disgrace than that dealing with theft, I suppose because, in matters in which we cannot engage personally, the promise of our friends is substituted in the place of our performance, and the man who breaks this promise assails a bulwark which belongs to all of us in common, and, so far as in him lies, throws our social life into confusion. For we cannot do everything by ourselves: one is more useful in one sphere, another in another: and for this reason friendships are formed, so that our common interest may be promoted by mutual services.

112. Why do you accept a commission if you mean to manage it carelessly, or veer round to suit your own interest? Why do you thrust yourself upon me and, while pretending to do a kindness, become a hindrance and obstacle to my interests? Get yourself out of the way; I will have the business done through some one else; you are taking upon yourself the burden of an obligation which you think you can support, a burden which seems far from heavy only to those whose characters are far from worthless. So this offence is disgraceful for the reason that it outrages those two most sacred obligations, friendship and good faith: inasmuch as hardly anyone entrusts a commission to any other than a friend, or has confidence in anyone but him whom he believes to be faithful. Therefore it betokens an utterly worthless character to break the ties of friendship, and at the same time to deceive a man who could not have been wronged had he not had confidence in his friend.

113. Is it not so? In matters of the smallest importance, a man who has not attended to a trust must have a most dishonouring sentence passed upon him, and in a matter so serious—when the man, to whose care and keeping were confidently entrusted the good name of the dead and the fortunes of the living, has brought disgrace upon the dead and destitution upon the living—shall he be reckoned among honourable men, or, I should rather say, among living citizens? In unimportant and private

affairs, even carelessness is made a ground for a charge of breach of trust and for a trial, owing to the dishonour attaching to such conduct, because, in a reasonable course of procedure, the neglect ought to be on the part of the man who gave the commission, and not of the man who accepted it: in a serious crime like this, which was carried out and perpetrated publicly, when a man has, I do not say committed a breach of some private trust, but through his treachery has violated and stained with a blot of dishonour the religious sanction even of an embassy, with what penalty, I ask, shall he be punished, or with what sentence shall he be condemned?

114. If Sextus Roscius had privately entrusted this matter to him, that he might make a bargain and a settlement with Chrysogonus, and that he might pledge his word, if he thought there was any need, for the furtherance of that object; and if Capito had undertaken to do it, would he not be condemned by an arbitrator and have to make restitution, and entirely lose his good repute, if he turned the smallest detail of that business to his own advantage?

115. As it is, however, Sextus Roscius did not assign to him this property, but, what is far more lamentable, Sextus Roscius himself, with his good name, his life, and all his property was publicly assigned to Titus Roscius by the members of the town council; and of the object of that trust Titus Roscius did not convert to his own use a trifling portion of that property, but turned my client bag and baggage out of his possessions, agreed on three estates as his own share, and set as much value on the wish of the council and all the townsmen as he did upon his pledged word.

116. Now, gentlemen, go on and look at the other details, that you may understand that no crime can be imagined whereby the prosecutor has not polluted himself. In matters of small importance it is the depth of disgrace to deceive a partner, and quite as disgraceful as the act I spoke of just now; and quite rightly too, since a man who has entered into partnership with another thinks that he has associated with himself a helpmeet. Then whose honour will he fall back upon when he is wronged through

his confidence in the honour of the man to whom he trusted himself? Moreover, we must punish most severely those offences against which it is most difficult to be forearmed. We can be reserved in our dealings with strangers; but our intimate friends must necessarily have a clearer view of much of our conduct: yet how can we be on our guard against a partner? Why, even if we fear him we break the law of moral duty. Consequently, our ancestors were quite right in considering that the man who had cheated his partner ought not to be reckoned among honourable men.

117. But the fact is that Titus Roscius has not cheated merely one partner in money concerns (an offence which despite its serious nature is, I think, in some degree endurable), but nine gallant gentlemen, who were his partners in the same duty, embassy, service, and commission, he took in, defrauded, abandoned, handed over to their enemies, and imposed upon with every kind of deceit and treachery: and they were men who could harbour no suspicion of his guilty purpose, who had no right to be afraid of their partner in a service, who failed to see his chicanery, who believed in his empty speeches. Thus it is that to-day those honourable gentlemen, owing to his crafty stratagems, are thought to have shown insufficient cautiousness and foresight; while he who at the beginning was a traitor and subsequently a deserter, who first of all divulged his partners' plans to their enemies, and subsequently joined in a conspiracy with those very enemies—he, I say, still intimidates and threatens us, in all the glory of his three estates, that is, the wages of his crime.

It is in a life of this sort, gentlemen, in the midst of this long series of scandalous deeds, that you will find this crime too with which the present trial is concerned.

118. For surely you ought to put the question to yourselves in this way: where you see many rapacious, many reckless, many abandoned, many treacherous acts, there, amidst that array of scandals, you may believe some guilty offence too lies concealed. Though indeed this act is far from lying concealed; why, it is so self-evident and obtrusive that not only can this deed be inferred from those crimes with which it is admitted his character is stained, but from

this crime any one of the former that may be doubted can be clearly proved. What follows, I ask, gentlemen of the Jury? Do you think that trainer has now entirely given up the cut-throat's trade, or that his pupil there is one whit behind his master in skill? They are well matched in greed, equal in wickedness, in shamelessness the same, in recklessness twin-brothers.

119. For indeed now that you have become acquainted with the master's good faith, I would have you know of the pupil's fairness. I have already stated over and over again that two slaves were demanded from the prosecutor for examination by torture. You, Titus Roscius, always refused. I put these questions to you: Were those who made the demand unworthy to obtain it? Could not the man for whom they demanded it move you to pity? Did the demand itself seem to you to be unfair? The demand was made by men of the highest reputation and character in our state, whose names I have already mentioned; men whose way of life was such, and who are so esteemed by the Roman people, that it was impossible for them to make any statement which every one would not regard as fair and reasonable; and they made their demand in behalf of a most pitiable and unfortunate gentleman who, if need were, would actually desire to give himself up for torture, provided an inquiry were being made about his father's death; (120) moreover, such was the nature of the demand that was made of you, that it made no difference whether you refused that demand or confessed your crime.

Since this is so, I ask you why you have refused it. They were upon the scene at the time of Sextus Roscius' murder. So far as I am concerned, I neither accuse nor exculpate the slaves: the fact that I see you making every effort to prevent their being given up for examination rouses my suspicion; while from the fact that they are treated with such regard by yourselves, it of course necessarily follows that they know something which, if they stated it, would bring ruin on you. "It is unjust that slaves should be examined for evidence against their masters." But they are not examined against you: for Sextus Roscius is the accused; when they are examined

about him, it is not against their master, since you state that you are their masters. "They are with Chrysogonus." So I believe: Chrysogonus is so delighted with their literary ability and town-bred refinement that he desires these men to associate with his own effeminate slaves equipped with all the charms of luxury and skill, the pick of many a well-trained household—these men who are little more than labourers, trained by a country-bred master of a household at Ameria.

121. This is not so, you may be certain, gentlemen: it is not probable that Chrysogonus took a fancy to their literary ability and culture, it is not probable that he knew their energy and loyalty in the business of his household: there is something that is hidden, something that shines forth to view the more clearly, the more eagerly they smother and conceal it.

122. What is it then? Is it in order to hide his own guilt that Chrysogonus refuses to allow them to be examined? By no means, gentlemen: all things are not expedient for all men. In Chrysogonus' case, so far as I am concerned, I have no suspicion of that sort; and this is not the first time that it has occurred to me to make this statement. You remember that I made the following division of my case at the commencement. The first heading was "The charge," and the task of substantiating this with arguments I left to Erucius; the second "Recklessness," and this rôle has been assigned to the Roscii. All the crime, guilt, and bloodshed in the case will necessarily be the peculiar sphere of the Roscii; we also state that the excessive influence and power of Chrysogonus is to us an obstacle and an offence which is absolutely intolerable, while you, since you have received the power, ought not merely to weaken but to avenge it.

123. This is my opinion: he who would consent to an examination of those who, it is admitted, were present when the murder was committed, is desirous that the truth should be discovered; he who refuses assuredly makes a confession of his crime by his mere act, though he does not dare to do so by word of mouth. I said at the beginning, gentlemen, that I did not wish to say more about the guilt

of my opponents than my case required and sheer necessity compelled me to say. It is true that many allegations can be made against them, and each one of these can be explained by many arguments; but I cannot do at length or with accuracy of detail what I do against my will and of sheer necessity; what it was absolutely impossible to pass over, I have touched upon lightly, gentlemen; the inferences that are grounded in mere suspicions which I should have to discuss at greater length, if once I begin, these I leave to your ingenious surmises.

124. I now come to that golden name, Chrysogonus, under which the whole confederacy hides itself: and I cannot discover, gentlemen, how I am to speak about it or how I am to hold my tongue. For if I hold my tongue, I omit perhaps the chief part of my defence; but if I speak I am afraid that not only he (and for that I do not care at all), but a good number of others also may think themselves injured. And yet my case is such that it does not seem necessary to make a special attack on the purchasers as a body; for this cause is distinctly novel and unique: (125) the buyer of Sextus Roscius' property is Chrysogonus. First let us look at this point: on what principle was Sextus Roscius' property sold, or in what way could it be put up for sale? And I do not put this question, gentlemen, in order to go on and say it is a shameful thing that an innocent man's property should be put up for sale; for if the time comes when these complaints will be listened to and freely discussed, Sextus Roscius was not so important a man in the state that we should complain about him more than others. But this is the question I put: how could they by that very law of theirs about proscription, whether it is the Valerian or the Cornelian,—I am not acquainted with them and I do not know,—by that very law, I repeat, how could Sextus Roscius' property be put up for sale?

126. They say that the terms are as follows:—"That the goods of those who have been proscribed be sold": but Sextus Roscius does not fall under this category: "or of those who have been killed while within the enemy's lines:" while there were any lines, he was within the lines

of Sulla: after the cessation of the war, in the midst of perfect tranquillity, he was murdered in Rome while returning from dinner. If he had been put to death legally, then I admit that his property also was legally sold; but if it is a well-known fact that he was murdered contrary, not only to all ancient laws, but also to all those of modern times, I ask by what right, or by what custom, or by what law his property was put up for sale.

127. Do you ask about whom I am making these statements, Erucius? It is not about him whom you wish and believe it to be; for Sulla has been cleared from blame both by my speech from its commencement and by his own surpassing excellence at every time. I say that Chrysogonus did all this—that he told lies, that he falsely represented Roscius to have been a bad citizen, that he stated that he had been killed while with the enemy, that he did not allow Lucius Sulla to be informed of the facts by the envoys of the townsmen of Ameria; finally, I even have a suspicion that these goods were not sold; a point which if you have no objection, gentlemen, shall be presently cleared up.

128. Now I believe there is stated in the law the date by which proscriptions and sales of property are to be made, namely the first of June: it was some months afterwards that the man was murdered and his property is said to have been put up for sale. In any case either this property was not entered in the State accounts at all, and we are more cleverly tricked by this scoundrel than we think, or, if it was entered, the State accounts were tampered with by some means; for it is an undisputed fact that the property could not have been sold legally at any rate. I know that I am making these inquiries prematurely, gentlemen, and almost going astray in attending to a hang-nail when I ought to be looking after Sextus Roscius' vital interests. For he does not trouble about his money; he makes no account of his own interest; he thinks he will readily endure poverty, if he be freed from this shameful suspicion and this trumped-up charge.

129. However, gentlemen, I request you to listen to the few remarks that remain in such a way as to become per-

suaded that I am speaking partly on my own account and partly for Sextus Roscius. For those proceedings which seem to me to be shameful and intolerable, and which I believe are reaching out to all of us, if we do not take care, I declare openly on my own behalf and prompted by my own feelings of indignation: the details that have to do with the defence of my client's vital interests, what defence he wishes to be made for himself, and with what terms he is satisfied, I will shortly tell you, gentlemen, at the end of my speech.

130. I put these questions to Chrysogonus of my own free will, quite apart from Sextus Roscius: first, why was the property of a blameless citizen put up for sale? next, why was the property of a man, who was neither proscribed nor killed within the enemy's lines, put up for sale, when the terms of the law affected only such persons? next, why was it put up for sale some time after that date which was fixed as the limit in the law? next, why was it sold for so small a sum? And if he chooses to heap all this on the shoulders of his patron, as rascally and worthless freedmen are wont to do, it will be of no avail; for there is no one who does not know that, owing to the vast range of his affairs, many persons have done many a deed in secret without the knowledge of Lucius Sulla.

131. Do you approve then of the fact that in these matters something is passed over without notice? You do not approve of it, gentlemen, but it is a necessity. For if Jupiter the best and greatest, by whose nod and will heaven and earth and sea are ruled, has often, by furious winds or severe seasons or excessive heat or unendurable cold, done harm to men, destroyed their cities, and ruined their crops, none of which things we believe to have been done by the divine will for the purpose of doing us any injury, but by the mere force in the universe and its vast range; whereas to counterbalance this we see that the blessings we possess, the light we enjoy, and the air we breathe are given and granted to us by him, why should we be surprised that Lucius Sulla, when he alone was directing the commonwealth and was guiding the world, and was establishing by laws the imperial sovereignty which he won by arms,

should have found it impossible to take notice of some things? Unless it be a cause for astonishment if the mind of man should not have reached what the power of gods has not attained to.

132. But passing over these deeds which have been already done, cannot anyone see from the proceedings that are going on now just as much as ever, that the arch-plotter and deviser of all these villainies is Chrysogonus, who took measures to get Sextus Roscius accused, and out of respect for whom Erucius said he brought the charge?

[*Lacuna in the Manuscripts.*]

Those who dwell among the Salentini and the Brutii think they have a suitable country-house fitted up in a reasonable manner, when they can get news there hardly three times a year.

133. But see, there comes the other down from his own house on the Palatine: he has for his own enjoyment a charming country estate in the neighbourhood of the city, and many estates besides, and not one of them but is of magnificent proportions and near at hand; his house is crammed with specimens of Corinthian and Delian bronze, among which is that famous automatic cooking apparatus which he recently purchased at so high a figure, that the passers-by who heard the auctioneer calling out the sum thought a farm was being sold. What quantities of embossed silver do you think must have been in his house, what stores of coverlets, what numbers of pictures, of statues and marbles? Of course there was just as much as could be collected from many magnificent households in the midst of the general turmoil and spoliation, and heaped up together in one house. But why should I mention the numbers of his household and their varied accomplishments?

134. I say nothing of these everyday arts,—of cooks, bakers, and litter-bearers: he has so many men to delight his ear and his intellect that the whole neighbourhood resounds with the melody of voices and stringed instruments and pipes by day, and with uproarious cries by night. In such a life, gentlemen, what extravagance, what prodi-

gality do you think was practised day by day? But what was the character of those banquets? Honourable, of course, in a house of that sort, if this is to be regarded as a house rather than as a workshop of villainy and a common resort for all iniquities.

135. Now you behold, gentlemen, how the great man himself struts to and fro in the forum with his hair well arranged and anointed, accompanied by a great throng of men in civic garb, how he looks down upon the world, and thinks no one even a human being as compared to himself, how he believes that he alone is wealthy, that he alone is powerful. But should I wish to narrate to you, gentlemen, what he does and what he attempts to do, I am afraid some one with imperfect information may think that I have wished to damage the interests and the success of the aristocracy; though I can by my own right find fault with anything in this party that I disapprove of; for I am not afraid of any one thinking that I have harboured sentiments that are averse to the interests of the aristocracy.

136. Those who know me are well aware that after that it was found impossible to come to an agreement—that consummation which above all others I desired—to the best of my weak and feeble powers I strove above all to assure the victory of those who have won it. For who was there but saw that there was a struggle for position between the baser and the worthier sort? And in a contest like this it was the part of an abandoned citizen not to join those by whose safety dignity at home and authority abroad would be preserved. I am glad, gentlemen, and I heartily rejoice that these ends have been effected and to each man his office and rank has been restored, and I know that all these achievements are due to the goodwill of the gods, the energy of the Roman people, the policy, the imperial rule, and the good fortune of Lucius Sulla.

137. I ought not to find fault with the infliction of punishment upon those who fought against him by every means in their power: I do speak in praise of the bestowal of rewards on brave men who have rendered signal assistance in the administration of affairs; I think these were precisely the objects of the war; and I admit that I

belonged to that party. But if their endeavours are directed to this end, and if arms were taken up with this object, then men of the basest sort should enrich themselves with other people's monies and seize upon each individual's property, and if one may not, I do not say prevent it by an open act, but even censure it by word of mouth, then, I aver, the Roman people was not reinvigorated and restored to power but subdued and crushed.

138. But the facts of the case are far different; none of these suppositions are true, gentlemen: so far from inflicting damage on the cause of the aristocracy, if you withstand those men you will even add distinction to it. For in fact those who wish to censure the present state of affairs, complain of Chrysogonus' great power; those who wish to praise it, declare that they have not made any concession to him. And now there is no excuse for any one being so senseless and shameless as to say, "I only wish it had been permissible: I would have said this." You may say it. "I would have done this." You may do it: no one prevents you. "I would have voted for this decree." Vote for it, only do so straightforwardly: then all will applaud. "I would have given this judgment." Every one will praise you if you give judgment in a straightforward and appropriate manner.

139. While it was necessary, and owing to the exigencies of the time, unlimited power was vested in the hands of one man: but after he had created magistrates and established his laws, every one had his particular official duty and power restored to him. And if those who have recovered it like to retain it, they may maintain it for ever; but if they engage in or approve of these acts of murder and spoliation, these excesses of profuse and prodigal extravagance, I am unwilling to say anything too severe against them, even by way of a presage of its coming to pass, I only venture this one remark. Our high and mighty nobility, unless they are watchful and patriotic and brave and merciful, will be compelled to give up their distinctions to men who have these qualities.

140. Wherefore let them now at last cease from stating that a man has spoken slanderously if he has spoken truly

and frankly, let them refrain from identifying their cause with that of Chrysogonus, let them give over thinking that if he is attacked they are disparaged, let them take care that it does not seem a disgraceful and pitiable thing that men who could not brook the magnificence of the equestrian order can endure the tyranny of a rascally slave; and this tyranny, you know, gentlemen, formerly showed itself in other directions, but now you see the road it is building, the way it is pursuing. It is the way to your good faith, the sanctity of your oath, your legal decisions,—almost the only thing in the state that is intact and inviolate.

141. Does Chrysogonus think he has some influence here too? Does he want to be powerful here too? O shameful and cruel indignity! Yet, by heaven, I am not indignant because I am afraid he has some power, but the point I do complain of is just this, that he has dared so greatly, that he has hoped to have some influence with gentlemen like you in compassing the destruction of a guiltless man. Did the aristocratic party rouse itself and win back the commonwealth with battle and sword merely that the freedmen and favourite slaves of the aristocrats might have the power to plunder our possessions and property?

142. If this was their aim I confess that I was wrong in wishing rather for their victory, I confess that I lost my senses in uniting myself with them in sentiment; though I did not fight, gentlemen, I shared their sentiments: but if the victory of the nobles ought to be a distinction and a gain to the commonwealth and the Roman people, my speech indeed should be very pleasing to all the best and noblest of them. But if there is any one who thinks that both himself and the cause is injured, when I vilipend Chrysogonus, he does not understand the cause, but he does rightly know himself: for the cause will become grander if a stand be made against all of the baser sort; as soon as yonder vile toady of Chrysogonus, who believes he has a common interest with his master, feels himself injured, he dissociates himself from a cause of such grandeur.

143. But all this part of my speech, as I have already said before, emanates from me alone, and the interests of

the state, my own indignation, and my opponents' aggressive wrongs have compelled me to say it: but Sextus Roscius does not regard any of these acts as intolerable, he accuses no one, he makes no complaint about his own inheritance: he is a man without knowledge of the world, a farmer and a country man, and he thinks that all the deeds that you say were achieved by Sulla's agency were done in accordance with custom, law, and right recognized by all nations: he wishes to depart from your presence freed from blame and delivered from this unseemly suspicion; (144) if he is free from this dishonourable suspicion, he says he can bear in patience the loss of all his belongings; if, Chrysogonus, he has turned to his own use nothing out of his father's vast wealth, if he has cheated you in no single detail, if in perfect good faith he has handed over, counted up, and weighed out to you his all, if he gave up to you the clothing which covered his back and his own ring from his finger, if he saved out of all these possessions his naked body only and not a thing besides, he asks and entreats you, Chrysogonus, to allow him, a guiltless man, to pass his life in poverty, supported by his friends.

145. You are occupying my estates, I am living on another's charity: I allow it, both because I am of a patient temper, and because I must. My house is open to you, and closed to me: I suffer it to be so. You make use of my very numerous household, I have not a slave; I put up with it, and I think it can be suffered. What more do you want? Why do you pursue me? Why do you attack me? In what matter do you think your wishes have been interfered with by me? Where am I opposing your interests? In what do you find me a stumbling-block? If you want to kill the man for the sake of the spoil, why ask for more? If it is from feelings of enmity, what feelings of enmity can you have against a man whose property you seized before you knew the man himself? If it is from fear, have you anything to fear from a man who, you see, is unable without aid to defend himself from so cruel a wrong? But if you are striving to ruin my client, Roscius' son, because the property which belonged to

Roscius has become yours, do you not make it plain that you are afraid of a contingency, which you more than the rest of the world ought not to fear, that the children of the proscribed may have their fathers' possessions restored to them?

146. You do a wrong, Chrysogonus, if you rest more confident hopes for the security of your purchase on my client's destruction than on the achievements of Lucius Sulla. But if there is no reason why my client should be visited with such a disastrous fate, if he has given up to you his all, saving only his life, and has not secretly kept back for himself anything that belonged to his father, even for a momento, in Heaven's name, what is the meaning of your implacable relentlessness? What is the nature of your savage and brutal heart? What robber was ever so abandoned, what pirate so barbarous, as to prefer to drag off his plunder through gore when he might have his booty intact without bloodshed?

147. You know that my client has no money, no reckless daring, no power, that he has never planned anything against your interests, and yet you attack a man whom you cannot fear and ought not to hate, and who you see has now nothing left for you to rob him of: unless you think it is a shame that you see sitting clothed in the court the man whom you drove from his inheritance naked just as from a shipwreck; as if forsooth you did not know that my client is being supported and clothed by Caecilia, daughter of Balearicus, sister of Caprosus a lady who is universally respected, a lady who, though she had a sire of high renown, uncles of glorious fame, and a brother of great distinction, still, woman as she was, was prompted by the manly spirit in her to take care to pay back to them from her own glorious deeds distinctions in no wise inferior to the honour she received from their high position.

148. Do you think it is a shameful crime that he is being energetically defended? Believe me, if in return for his father's hospitality and favours all my client's guest-friends consented to aid him and dared to defend him without reserve, he would have a very abundant supply of advocates; but if every one were to exact a vengeance for

these deeds proportionate to the enormity of the wrong, and in view of the fact that the highest interests of the commonwealth are assailed by his critical position, most assuredly you would not be allowed to stand in the position you now hold: but as it is, his defence is such that his opponents ought certainly not to be annoyed at it, and cannot think that they are overcome through powerful influence.

149. His domestic affairs are transacted through Caecilia; the department of the forum and the law-court was undertaken by Marcus Messala, as you see, gentlemen; and if he were now old and strong enough he would speak for Sextus Roscius himself; but as youth and the modesty that graces youth stand in the way of his speaking, he handed the case over to me, for he knew I felt it my ambition and duty to speak in his behalf. Meanwhile by his continual presence, his advice, his influence, and his unwearied efforts he succeeded in wresting the life of Sextus Roscius from the hands of these brokers, and in getting it submitted to the verdict of a jury. Surely, gentlemen, it was for nobles like this man that the greater part of the state was in arms; the aim of the recent war was the restoration to the state of those nobles who would do what you see Messala doing, who would defend the life of a guiltless man, who would stand out against wrong-doing, who would prefer to show the greatness of their power in saving rather than ruining their neighbour; and if all who have been born in the same rank were to act thus, the commonwealth would suffer less from them, and they would suffer less from unpopularity.

150. But if we cannot obtain from Chrysogonus, gentlemen, the favour of being content with our money, without seeking for our life, if, when he has taken from us all that was our own, he cannot be persuaded to refrain from desiring to rob us even of the light of day which is the common property of all, if he does not consider it enough to glut his avarice with money unless our blood also be sacrificed to his brutality, the only refuge, gentlemen, the only hope that is left to Sextus Roscius is the same that is left to the commonwealth, it is your time-honoured

kind-heartedness and pity; and if this abides we can even now secure our safety. But if the brutal spirit which at the present day is prevalent in the commonwealth makes your hearts—but that surely cannot be—harder and bitterer, it is all over, gentlemen: it were better to spend one's life among wild beasts than to dwell amidst such savages as these.

151. Is it for this that you were reserved? Is it for this that you were chosen,—to condemn men whom brokers and cut-throats had found it impossible to murder? Good generals when they join in battle are wont to post troops in the spot to which they think the flight of the enemy will be directed, so that any who fly from the battle-field may fall in with them unawares; doubtless those purchasers of property think that you, men like you, are seated here to catch those who escape from their own hands. Heaven forbid, gentlemen, that this court, which our ancestors desired to be called the court of the people, should be regarded as the refuge of bidders at public sales.

152. What, gentlemen, do you not understand that their sole object is to get rid of the children of the proscribed by any means whatever, and that they are seeking a precedent for this course in your sworn judgment and the trial of Sextus Roscius? Is there any doubt as to whom the guilt attaches to when you see on the one side a broker, an enemy, a cut-throat, ay, and yet at the same time an accuser, on the other side a poor man, a son who had won the esteem of his own kin, to whom not only no reproach, but not even a suspicion can attach itself? Surely you cannot see anything against my client except that his father's goods have been put up for auction?

153. But if you undertake the task and promise your help for their purpose, if you sit there just to have the children of those whose goods have been publicly sold brought before you, in Heaven's name, gentlemen, beware lest a fresh and a far more ruthless proscription seem to have been set on foot by your act. The former proscription, which was drawn up against those who could take arms, the senate nevertheless refused to be responsible for,

lest measures should appear to have been taken by the people's council more severe than had been sanctioned by the custom of our ancestors. But as for this proscription, which reaches their children and the cradles of their infant babes, unless by this trial you cast it away and spurn it from you, see, in Heaven's name, into what condition, think ye, may the commonwealth come at last.

154. Sensible men endowed with influence and power like yours, would do well to heal especially those troubles by which the commonwealth is especially distressed. There is not a man of you but knows that the Roman people, who in days gone by were thought to be very merciful to their enemies, are to-day suffering from cruelty inflicted upon citizens. Banish this cruelty from the state, gentlemen, suffer it no longer to walk abroad in this commonwealth: for there is involved in it not only this evil, that it has brutually destroyed hundreds of citizens, but it has even taken away from the most merciful of men their feelings of pity, owing to their constant association with disasters. For when we see or hear of some outrageous deed every hour, even the gentlest natures among us through the constant presence of annoying trouble let slip from our hearts every sentiment of human kindness.

PRINTED AT THE BURLINGTON PRESS, FOXTON, NEAR CAMBRIDGE, ENGLAND